# JOURNAL

OF THE

# KENTUCKY SENATE

## REGULAR 1932 SESSION

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## VOL. III.

Held in the State Capitol, Frankfort, Ky., in the year of our Lord, one thousand nine hundred and thirty-two, in the year of the Commonwealth, one hundred and fiftieth

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This session began the fifth day of January, 1932, and closed the seventeenth day of March, 1932

OSCAR WICKER, Chief Clerk.
BYRON H. ROYSTER, Assistant Clerk.

THE STATE JOURNAL COMPANY
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Frankfort, Ky.

# JOURNAL

OF THE

# KENTUCKY SENATE

THURSDAY, FEBRUARY 25, 1932

The Senate was called to order by the President of the Senate, Lieutenant-Governor Albert B. Chandler.

The Senate was opened with prayer by Rev. Dr. Simpson of the Frankfort Church of Nazarene.

The roll of the Senate was called and the following Senators answered to their names;

| | | |
|---|---|---|
| Jas. H. Bondurant | Wm. Isaacs | Dr. G. W. Ragan |
| W. W. Booles | Silas Jacobs | O. M. Rogers |
| H. M. Brock | Alex E. Johnson | J. M. Rose |
| Edwin C. Dawson | L. C. Littrell | R. H. Royster |
| Dr. T. J. Edge | Frank I. Lloyd | Dr. Lewis Ryans |
| Thos. C. Ferguson | Rev. C. D. McCaw | E. D. Stephenson |
| Walter N. Flippin | C.T.McCormick,Sr. | Joe Stewart |
| Chas. G. Franklin | Wm. Mehler | Thos. O. Turner |
| Perry B. Gaines | H. C. Moore | Fred C. VanHoose |
| Arch Hamilton | Ray B. Moss | Sewell B. Williams |
| J. S. W. Holloway | D. C. Naive | W. A. Yates |
| Robert Humphreys | Marion F. Pogue | Gates F. Young |

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Senator Yates moved that the reading of the Journal be dispensed with and the Journal approved.

Said motion was agreed to.

Senator Moore moved that the privileges of the floor be

extended to Messrs. O. B. Bertram, J. N. Landrum and J. R. Sanders.

Said motion was agreed to.

Senator Edge moved that the privileges of the floor be extended to Mr. and Mrs. M. B. McDonald of Greenville.

Said motion was agreed to.

Senator Edge moved that the privileges of the floor be extended to Mr. John G. Gates of Central City.

Said motion was agreed to.

Senator Rose moved that the privileges of the floor be extended to Messrs. J. H. Payne, S. M. Bradley and J. M. Theobald.

Said motion was agreed to.

Senator Franklin moved that the privileges of the floor be extended to Mr. and Mrs. F. D. Robinson and Miss Kathryn Robinson.

Said motion was agreed to.

Senator Gates F. Young moved that the privileges of the floor be extended to Dr. O. V. Brown, John Kintner of Island, D. E. Edwards and D. C. Ross of Calhoun, E. A. Tunley and A. W. Ament of Owensboro.

Said motion was agreed to.

Senator Booles moved that the privileges of the floor be extended to Messrs. J. D. Cox and Sam Mitchell of Anderson County.

Said motion was agreed to.

Senator Humphreys moved that the privileges of the floor be extended to Mr. Aubrey Childers of Princeton.

Said motion was agreed to.

Senator Ragan moved that the privileges of the floor be extended to Dr. J. A. Caldwell and Dr. C. W. Shaw of Campbell County.

Said motion was agreed to.

Senator Edge moved that the privileges of the floor be extended to Mr. W. D. Duncan of Central City.

Said motion was agreed to.

Senator Flippin moved that the privileges of the floor be extended to Mr. O. B. Bertram of Campbellsville.

Said motion was agreed to.

Senator Stephenson moved that the privileges of the floor be extended to Mrs. F. M. Burk.

Said motion was agreed to.

Bills of the following titles were introduced, referred and ordered printed, as follows, viz.:

By Senator Pogue.

S. B. 432. An Act setting up qualifications of principals of schools.

To Committee on Education.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

All principals of schools employing four (4) or more teachers shall have completed at least sixty-four (64) hours of standard college work, or its equivalent, and, in addition thereto, six (6) hours of standard college work in Administration and Supervision. Each principal shall file a statement with the employing board showing that he has had at least four (4) years of teaching experience in the public schools.

All principals of schools employing six (6) or more teachers must have completed one hundred twenty (120) hours of standard college work and, in addition thereto, six (6) hours in Administration and Supervision, and must have had at least four (4) years of teaching experience in the public schools.

All Acts or parts of Acts in conflict are hereby repealed.

By Senator Jacobs.

S. B. 433. An Act to amend and re-enact Section 3587a-13, Carroll's Kentucky Statutes, 1930 Edition.

To Committee on Education.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That Section 3587a-13, Carroll's Kentucky Statutes, 1930 Edition, which is Chapter 61, page 217, Acts of 1928, amending Chapter 14, page 32, paragraph 13, Acts of 1920, be amended and re-enacted, so that when the same is so amended and re-enacted it shall read as follows:

The Board of Education in cities of the fourth class shall appoint a Superintendent of Schools, whose term of office shall begin July 1 following his appointment, and said appointment may be for a term of one, two, three or four years,

but shall not exceed four years. Except that upon demand of twenty per cent (20%) of the legal voters in any city of the fourth class, by petition filed with the Board of Education, the office of Superintendent of Schools shall be filled by election to be held at such time and place as the Board may require, but not on a day earlier than fifteen (15) days after notice of such election has been published in a newspaper of general circulation in the city, or posted in at least five conspicuous places within the city.

The Superintendent shall be eligible to succeed himself. He may be removed by four members of the board for cause, and all vacancies shall be filled by the board until the first day of July following, when the temporary incumbent or some other person shall be appointed for a term of not more than four years as hereinbefore provided. The Board of Education may, on the nomination of the Superintendent of Schools, appoint as many assistant superintendents as it may deem necessary, whose compensation shall be fixed by the board and who may be removed for cause by the Superintendent, with the approval of four members of the board. The Superintendent of Schools shall qualify by taking the oath prescribed by law, and shall have general supervision, subject to the control of the board, of the course of instruction, discipline and conduct of the schools. All appointments, promotions, dismissals and transfers of teachers and truant officers shall be made only upon the recommendation of the Superintendent and with the approval of the board. The Superintendent shall have the power to suspend any teacher, pupil or truant officer for cause deemed by him sufficient, and the Board of Education shall take such action upon the restoration or removal of such person as it may deem proper. All appointments and promotions of teachers shall be made upon the basis of merit. The Superintendent of Schools shall devote himself exclusively to the duties of his office and shall have power to appoint clerks whose number and salary shall be fixed by the board; shall have the power to remove the same; shall exercise general supervision over the schools of the city, examine their condition and progress, and shall keep

himself informed of the progress of education in other cities. He shall advise himself of the needs of extension of the school system of the city, shall make a report from time to time as may be fixed by the rules or directed by the board, and shall be responsible to the board for the condition of the instruction and discipline of the school. The term "teacher" as used herein shall include supervisor, supervising principals, and principals. All laws in conflict herewith are hereby repealed.

By Senator Moss.

S. B. 434. An Act relating to medical and physical examinations of minor pupils in attendance at public schools, or colleges or universities under the control of city, county or State authorities.

To Committee on Public Health.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. It shall be unlawful for any superintendent, principal, or teacher in control of any minor pupils or students in attendance at any public school, or any college or university under the control of any city, county or State authorities in any city or county of the State of Kentucky, to permit any such minor pupil or student to be subjected to either a medical or physical examination over the objection of the parents, or parent, or guardian of such minor pupil or student, when such objection is stated in writing, signed by the parents, or parent, or guardian of said minor pupil or student, and filed with either the superintendent, or principal, or teacher in charge of such minor pupil or student; providing that such objection shall be accompanied by a written statement by the family physician of said minor pupil or student certifying the physical condition and good health of said minor pupil or student.

§ 2. Any superintendent, or principal, or teacher, who shall permit a medical or physical examination of any minor pupil or student under his control, when said pupil's or student's parents, or parent, or guardian has filed with said superintendent, or principal, or teacher a written objection to such medical or physical examination and has signed the same, accompanied by certificate of family physician as provided in Section 1 of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one dollar ($1.00) nor more than ten dollars ($10.00), together with costs.

Each medical or physical examination so permitted shall be deemed a separate offense under this Act.

By Senator Moss.

S. B. 435. An Act amending and re-enacting Section 2000, Kentucky Statutes, Carroll's 1930 Edition, being an Act dividing the State of Kentucky into thirty-eight Senatorial Districts as provided in Section 33 of the Constitution.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That Section 2000, Kentucky Statutes, Carroll's 1930 Edition, be amended, repealed and re-enacted so that said section when so amended, repealed and re-enacted shall read as follows:

That the State of Kentucky be and same is hereby divided into thirty-eight Senatorial Districts as follows:

District One. That the counties of Fulton, Hickman, Graves and Carlisle, having a population of sixty-one thou-

sand seven hundred ninety-three, shall be Senatorial District number one.

District Two. That the counties of Ballard, McCracken and Marshall, having a population of sixty-nine thousand and seventy, shall be Senatorial District number two.

District Three. That the counties of Calloway, Christian and Trigg, having a population of sixty-four thousand four hundred seventy-six, shall be Senatorial District number three.

District Four. That the counties of Caldwell, Crittenden, Livingston, Lyon and Union, having a population of sixty thousand one hundred three, shall be Senatorial District number four.

District Five. That the counties of Daviess and Henderson, having a population of seventy thousand and seventy-four, shall be Senatorial District number five.

District Six. That the counties of Hopkins, McLain, Webster, having a population of sixty-nine thousand and fifty-five, shall be Senatorial District number six.

District Seven. That the counties of Logan, Muhlenberg, Todd, having a population of seventy-three thousand one hundred seventy-nine, shall be Senatorial District number seven.

District Eight. That the counties of Breckinridge, Grayson, Hancock and Ohio, having a population of sixty-five thousand thirty-nine, shall be Senatorial District number eight.

District Nine. That the counties of Butler, Edmonson, Simpson and Warren, having a population of sixty-nine thousand one hundred and seven, shall be Senatorial District number nine.

District Ten. That the counties of Bullitt, Hardin, Larue,

Meade and Nelson, having a population of sixty-three thousand four hundred and twenty-five, shall be Senatorial District number ten.

District Eleven. That the counties of Allen, Barren, Hart and Monroe, having a population of seventy-thousand two hundred and seventy, shall be Senatorial District number eleven.

District Twelve. That the counties of Adair, Clinton, Cumberland, Green, Metcalfe and Russell, having a population of sixty-eight thousand three hundred and thirteen, shall be Senatorial District number twelve.

District Thirteen. That the counties of Boyle, Casey, Marion and Taylor, having a population of sixty thousand five hundred and seventy-five, shall be Senatorial District number thirteen.

District Fourteen. That the counties of Anderson, Mercer, Oldham, Shelby, Spencer and Washington, having a population of sixty-seven thousand two hundred and seventy-five, shall be Senatorial District number fourteen.

District Fifteen. That this district shall be composed of the following boundary lines in Jefferson County:

Beginning at a point on the north shore of the Ohio River, where the northeastern boundary line of the city of Louisville intersects, thence following the present city boundary line of the city of Louisville in a southeastwardly, northeastwardly, southeastwardly, eastwardly, southeastwardly, southwestwardly, southeastwardly, southwestwardly, southeastwardly, southwestwardly, southeastwardly to the center line of Taylorsville Road, thence westwardly, southeastwardly, southwestwardly to the center line of Dundee Road, thence westwardly, northwestwardly, southwestwardly, and northwestwardly, and southwestwardly, with said city boundary line to the center line of the West Fork

of Beargrass Creek; thence following the meanderings of the West Fork of Beargrass Creek in a northwestwardly direction to the L. & N. right-of-way, where the center line of Kentucky Street, if extended, would intersect, thence with the center line of Kentucky Street if extended, and the center line of Kentucky Street to the center line of Hancock Street, thence north and northwestwardly with the center line of Hancock Street and Hancock Street if extended to the north shore of the Ohio River; thence eastwardly with the north shore of the Ohio River to the intersection with the northeast boundary line of the city of Louisville, Kentucky, point of beginning. Having a population of seventy thousand.

District Sixteen. That this district shall be composed of the following boundary lines in Jefferson County:

Beginning at a point on the north shore of the Ohio River and the center line of Hancock Street, if extended, thence southeastwardly, and south with the center line of Hancock Street, to the center line of Kentucky Street, thence eastwardly with the center line of Kentucky Street and Kentucky Street, if extended, to the West Fork of Beargrass Creek, thence following the meanderings of the West Fork of Beargrass Creek, eastwardly and southeastwardly to the present city boundary lines, thence southwestwardly, and southwardly with the present city boundary line to the center line of Wawa Street, thence westwardly with the center line of Wawa Street to the L. & N. Railroad (Main Stem), thence northwestwardly with the L. & N. Railroad to the center line of Harlan Street, if extended, thence eastwardly with the center line of Harlan Street, if extended, to the center line of Floyd Street, thence northwardly with the center line of Floyd Street, to the center line of Central Avenue if extended, from the west, thence westwardly with the center line of Central Avenue, if extended, and the center line of Central Avenue, to the center line of Seventh Street, thence northwardly with the center line of Seventh Street to the Southern Railroad right-of-way, thence in a northwestwardly direction with the center line of the Southern Railroad right-of-way to

the center line of Tenth Street, thence northwardly with the center line of Tenth Street, to the center line of Magnolia Street, thence eastwardly with the center line of Magnolia Street, to the center line of St. James Court, if extended, thence northwardly with the center line of St. James Court, if extended, and Garvin Place to the center line of St. Catherine Street, thence eastwardly with the center line of St. Catherine Street, to the center line of Fifth Street, thence northwardly with the center line of Fifth Street, and Fifth Street, if extended, to the north shore of the Ohio River at low water, thence eastwardly with the north shore of the Ohio River to the center line of Hancock Street, if extended, point of beginning. Having a population of seventy thousand two hundred and twenty-five.

District Seventeen. This district shall be composed of the following boundary lines in Jefferson County:

Beginning at a point on the north shore of the Ohio River and Fifth Street, if extended, thence southwardly with the center line of Fifth Street, if extended, and the center line of Fifth Street, to the center line of St. Catherine Street, thence westwardly with the center line of St. Catherine Street to the center line of Garvin Place, thence southwardly with the center line of Garvin Place, and Garvin Place, if extended, to the center line of Magnolia Avenue; thence westwardly with the center line of Magnolia Avenue, to the center line of Tenth Street, thence southwardly with the center line of Tenth Street to the Southern Railroad right-of-way, thence southeastwardly with the Southern Railroad right-of-way to the center line of Seventh Street, if extended, thence southwardly with the center line of Seventh Street, if extended, and the center line of Seventh Street to the center line of Central Avenue, thence westwardly with the center line of Central Avenue, to the center line of Taylor Boulevard, thence southwestwardly with the center line of Taylor Boulevard, thence southwestwardly with the center line of Taylor Boulevard to the center line of Thornberry Street, thence northwestwardly with the center line of Thornberry Street to the present city

boundary line of the city of Louisville, thence following the present city boundary line of the city of Louisville in a northwardly, and northwestwardly direction to the center line of Twenty-fifth Street, if extended, thence northwardly with the center line of Twenty-fifth Street, if extended, to the center line of Burwell Street, thence westwardly with the center line of Burwell Street to the center line of Cypress Street, thence northwardly with the center line of Cypress Street, to the center line of Wilson Avenue, thence northeastwardly with the center line of Wilson Avenue, to the center line of Twenty-sixth Street, thence northwardly with the center line of Twenty-sixth Street, to the center line of Garland Avenue, thence eastwardly with the center line of Garland Avenue, to the center line of Twenty-first Street, thence northwestwardly with the center line of Twenty-first Street, and Twenty-first Street, if extended, to the north shore of the Ohio River; thence in a southeastwardly direction with the north shore of the Ohio River to the center line of Fifth Street, if extended, point of beginning. Having a population of seventy-two thousand.

District Eighteen. That this district shall be composed of the following boundary lines in Jefferson County.

Beginning at a point on the north shore of the Ohio River where the center line of Twenty-first Street, if extended, would intersect, thence in a generally southwardly direction to the center line of Garland Avenue, thence westwardly with the center line of Garland Avenue, to the center line of Twenty-sixth Street, thence southwardly with the center line of Twenty-sixth Street, to the center line of Wilson Avenue, thence southwestwardly with the center line of Wilson Avenue, to the center line of Cypress Street, thence southwardly with the center line of Cypress Street, to the center line of Burwell Street, thence eastwardly with the center line of Burwell Street, to the center line of Twenty-fifth Street, thence southwestwardly with the center line of Twenty-fifth Street, and Twenty-fifth Street, if extended, to the present city boundary line, thence in a general westwardly

direction with the present city boundary line, to the north shore of the Ohio River at low water, thence in a northerly and eastern direction with the north shore of the Ohio River to the center of Twenty-first Street, if extended, point of beginning. Having a population of seventy-one thousand.

District Nineteen. That this district shall be composed of the following boundary lines in Jefferson County:

Beginning at a point on the north shore of the Ohio River at the northeastern boundary line of the city of Louisville, thence northeastwardly with the low water mark of the Ohio River to a point where the line between Oldham County and Jefferson County would intersect, thence in a southwestwardly direction, with the present county line, and southwardly with the present county line and southwestwardly to Pond Creek, thence in a southwestwardly direction with Pond Creek (which is also the county line) to Salt River, thence northwestwardly with the line of Salt River to the north shore of the Ohio River at low water, thence in a northeastwardly direction to the point where the present southerly limits of the city of Louisville would intersect, thence eastwardly with the boundary line of the city of Louisville and southeastwardly to the point where Thornberry Street intersects, thence southeastwardly with the center line of Thornberry Street to the center line of Taylor Boulevard, thence northeastwardly from the center line of Taylor Boulevard, to the center line of Central Avenue, thence eastwardly with the center line of Central Avenue, and Central Avenue, if extended, to the center line of Floyd Street, thence southwardly with the center line of Floyd Street, to the center line of Harlan Street, if extended, thence westwardly with the center line of Harlan Street, to the L. & N. Railroad. Thence southeastwardly with the L. & N. Railroad to the center line of Wawa Street, thence eastwardly with the center line of Wawa Street, to the present city boundary line of the city of Louisville, thence following the present city boundary line of the city of Louisville in a northwardly, northeastwardly, southeastwardly, eastwardly, northeastwardly, northwest-

wardly, northeastwardly, southeastwardly, northeastwardly, northwestwardly and thence in a general northwestwardly direction to the north shore of the Ohio River, where the present boundary line of the city of Louisville intersects, point of beginning. Having a population of seventy thousand three hundred and thirty-five.

District Twenty. That the counties of Boone, Carroll, Gallatin, Grant, Henry, Owen, Trimble, having a population of sixty thousand six hundred and eighty-five, shall be Senatorial District twenty.

District Twenty-one. That the county of Kenton, having a population of ninety-three thousand five hundred and thirty-four, shall be Senatorial District twenty-one.

District Twenty-two. That the county of Campbell, having a population of seventy-three thousand three hundred and ninety-one, shall be Senatorial District twenty-two.

District Twenty-three. That the counties of Bracken, Harrison, Mason, Nicholas, Pendleton, Robertson, having a population of sixty-six thousand one hundred and twenty-eight, shall be Senatorial District twenty-three.

District Twenty-four. That the counties of Bourbon, Franklin, Scott and Woodford, having a population of sixty-four thousand four hundred and five, shall be Senatorial District twenty-four.

District Twenty-five. That the county of Fayette, having a population of sixty eight thousand five hundred and forty-three, shall be Senatorial District twenty-five.

District Twenty-six. That the counties of Clark, Garrard, Jessamine and Madison, having a population of sixty-nine thousand two hundred and fifty-three, shall be Senatorial District twenty-six.

District Twenty-seven. That the counties of Lincoln,

Pulaski and Rockcastle, having a population of sixty-eight thousand four hundred and seventy-five, shall be Senatorial District twenty-seven.

District Twenty-eight. That the counties of McCreary, Wayne, Whitley, having a population of sixty thousand two hundred and five, shall be Senatorial District twenty-eight.

District Twenty-nine. That the counties of Bell and Knox, having a population of sixty-five thousand and thirteen, shall be Senatorial District twenty-nine.

District Thirty. That the county of Harlan, having a population of sixty-four thousand five hundred and fifty-seven, shall be Senatorial District thirty.

District Thirty-one. That the counties of Clay, Jackson, Laurel, Leslie, Owsley, having a population of sixty-eight thousand and ninety, shall be Senatorial District thirty-one.

District Thirty-two. That the counties of Letcher and Perry, having a population of seventy-seven thousand eight hundred and eighty-eight, shall be Senatorial District thirty-two.

District Thirty-three. That the county of Pike, having a population of sixty-three thousand two hundred and sixty-seven, shall be Senatorial District thirty-three.

District Thirty-four. That the counties of Breathitt, Knott and Floyd, having a population of seventy-eight thousand three hundred and fifteen, shall be Senatorial District thirty-four.

District Thirty-five. That the counties of Bath, Estill, Lee, Menifee, Montgomery, Powell and Wolfe, having a population of sixty-eight thousand seven hundred and twenty-one, shall be Senatorial District thirty-five.

District Thirty-six. That the counties of Carter, Elliott, Fleming, Lewis and Rowan, having a population of seventy-one thousand five hundred and forty-nine, shall be Senatorial District thirty-six.

District Thirty-seven. That the counties of Johnson, Lawrence, Magoffin, Martin and Morgan, having a population of seventy-nine thousand one hundred and fourteen, shall be Senatorial District thirty-seven.

District Thirty-eight. That the counties of Boyd and Greenup, having a population of sixty-eight thousand four hundred and three, shall be Senatorial District thirty-eight.

All Acts and laws in conflict herewith to the extent of such conflict are hereby repealed.

By Senator McCormick.

S. B. 436. An Act to add to the primary system of public highways a road leading from Corinth School House, at intersection of Franklin-Adairville Road, thence to Pleasant Run Church, to Hickman Mill Pond, thence with Keysburg-Franklin Road to Schochok, thence to Rufe Smith's Store, thence to bridge at Old Ewing farm, thence to Franklin-Adairville Road at A. B. Roberts' farm, thence to Dixie Highway at Adairville.

To Committee on Roads and Highways.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby established and added to and made a part of the primary system of public highways of the Commonwealth of Kentucky, a road beginning at Corinth School House, at intersection of Franklin-Adairville Road, thence to Pleasant Run Church, to Hickman Mill Pond, thence

with Keysburg-Franklin Road to Schochok, thence to Rufe Smith's Store, thence to bridge at Old Ewing farm, thence to Franklin-Adairville Road at A. B. Roberts' farm, thence to Dixie Highway at Adairville.

§ 2. The construction, maintenance, supervision and control of said road shall be subject and controlled by provision of Chapter 17 of the Acts of the General Assembly of 1920, establishing and requiring a primary system of State highways, to the same effect as if the said road had been named in the original Act as one of the projects of the primary system of State highways as provided therein.

By Senator Williams.

S. B. 437. An Act to amend and re-enact Chapter 455 of the Acts of the General Assembly of 1928, establishing and creating a road from Jackson, Breathitt County, Kentucky, to Booneville, Owsley County, Kentucky, and making it a part of the State system of primary roads.

To Committee on Roads and Highways.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That Chapter 455 of the Acts of the General Assembly of 1928, be amended and re-enacted so that when amended and re-enacted said chapter shall read as follows:

There is hereby created and established as a part of the primary road system of the Commonwealth of Kentucky, a road beginning at Jackson, Breathitt County, Kentucky, and leading to Booneville, Owsley County, Kentucky, via Highland College, Guerrant, Kentucky, and Turkey Creek Bridge at the mouth of Turkey Creek, in said county. The construction, maintenance, supervision and control of said road shall

be subject to all the terms and conditions set out and provided for in Chapter 17, Acts of the General Assembly of 1920, establishing and creating the primary system of State highways in this Commonwealth.

By Senator Johnson. S. B. 438. An Act to divide the Commonwealth of Kentucky into nine Congressional Districts.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the Commonwealth of Kentucky be and the same is hereby divided into nine Congressional Districts as follows:

The first district shall be composed of the following counties:

Ballard, Caldwell, Calloway, Carlisle, Crittenden, Fulton, Graves, Hickman, Hopkins, Livingston, Lyon, McCracken, Marshall, Trigg, Union and Webster.

The second district shall be composed of the following counties:

Adair, Allen, Barren, Butler, Christian, Cumberland, Green, Logan, Metcalfe, Monroe, Muhlenberg, Russell, Simpson, Todd and Warren.

The third district shall be composed of the following counties:

Breckinridge, Bullitt, Daviess, Edmonson, Grayson, Hancock, Hardin, Hart, Henderson, Larue, Marion, Meade, McLean, Nelson, Ohio, Spencer, Taylor and Washington.

The fourth district shall be composed of the following counties:

Boyle, Casey, Clinton, Estill, Garrard, Jackson, Laurel, Lee, Lincoln, McCreary, Madison, Owsley, Powell, Pulaski, Rockcastle, Wayne and Whitley.

The fifth district shall be composed of the following county: Jefferson.

The sixth district shall be composed of the following counties:

Boone, Bracken, Campbell, Carroll, Gallatin, Grant, Harrison, Henry, Kenton, Oldham, Owen, Pendleton, Robertson, Scott and Trimble.

The seventh district shall be composed of the following counties:

Anderson, Bath, Bourbon, Clark, Fayette, Fleming, Franklin, Jessamine, Lewis, Mason, Menifee, Montgomery, Mercer, Nicholas, Rowan, Shelby and Woodford.

The eighth district shall be composed of the following counties:

Boyd, Carter, Elliott, Floyd, Greenup, Johnson, Lawrence, Magoffin, Martin, Morgan and Pike.

The ninth district shall be composed of the following counties:

Bell, Breathitt, Clay, Harlan, Knott, Knox, Leslie, Letcher, Perry and Wolfe.

By Senator Johnson.

S. B. 439. An Act to divide the Commonwealth of Kentucky into nine Congressional Districts.

To Committee on Kentucky Statutes, No. 1.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the Commonwealth of Kentucky be and same is hereby divided into nine Congressional Districts as follows:

The first district shall be composed of the following counties:

Ballard, Caldwell, Calloway, Carlisle, Crittenden, Fulton, Graves, Hickman, Hopkins, Livingston, Lyon, McCracken, Marshall, Trigg, Union and Webster.

The second district shall be composed of the following counties:

Butler, Christian, Daviess, Edmonson, Henderson, Logan, McLean, Muhlenberg, Ohio, Simpson, Todd and Warren.

The third district shall be composed of the following counties:

Adair, Allen, Barren, Breckinridge, Bullitt, Clinton, Cumberland, Grayson, Green, Hancock, Hardin, Hart, Larue, Marion, Meade, Metcalfe, Monroe, Nelson, Russell, Taylor and Washington.

The fourth district shall be composed of the following counties:

Anderson, Bourbon, Boyle, Casey, Clark, Fayette, Franklin, Garrard, Jessamine, Lincoln, Madison, Mercer, Shelby, Spencer and Woodford.

The fifth district shall be composed of the following county: Jefferson.

The sixth district shall be composed of the following counties:

Boone, Bracken, Campbell, Carroll, Gallatin, Grant, Harrison, Henry, Kenton, Oldham, Owen, Pendleton, Robertson, Scott and Trimble.

The seventh district shall be composed of the following counties:

Bath, Boyd, Carter, Elliott, Estill, Fleming, Greenup, Johnson, Lawrence, Lewis, Martin, Mason, Menifee, Montgomery, Morgan, Nicholas, Powell and Rowan.

The eighth district shall be composed of the following counties:

Breathitt, Floyd, Jackson, Knott, Lee, Leslie, Magoffin, Owsley, Letcher, Perry, Pike and Wolfe.

The ninth district shall be composed of the following counties:

Bell, Clay, Harlan, Knox, Laurel, McCreary, Pulaski, Rockcastle, Wayne and Whitley.

By Senator Johnson.

S. B. 440. An Act to divide the Commonwealth of Kentucky into nine Congressional Districts:

To Committee on Kentucky Statutes, No. 1.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the Commonwealth of Kentucky be and same is hereby divided into nine Congressional Districts as follows:

The first district shall be composed of the following counties:

Ballard, Caldwell, Calloway, Carlisle, Crittenden, Fulton, Graves, Hickman, Hopkins, Livingston, Lyon, McCracken, Marshall, Trigg, Union and Webster.

The second district shall be composed of the following counties:

Butler, Christian, Daviess, Edmonson, Henderson, Logan, McLean, Muhlenberg, Ohio, Simpson, Todd and Warren.

The third district shall be composed of the following counties:

Adair, Allen, Barren, Breckinridge, Bullitt, Clinton, Cumberland, Grayson, Green, Hancock, Hardin, Hart, Larue, Marion, Meade, Metcalfe, Monroe, Nelson, Russell, Taylor and Washington.

The fourth district shall be composed of the following counties:

Boyle, Casey, Estill, Garrard, Jackson, Laurel, Lee, Lincoln, McCreary, Madison, Mercer, Owsley, Pulaski, Rockcastle, Wayne and Whitley.

The fifth district shall be composed of the following county: Jefferson.

The sixth district shall be composed of the following counties:

Boone, Bracken, Campbell, Fleming, Gallatin, Grant, Harrison, Kenton, Lewis, Mason, Pendleton, Robertson and Rowan.

The seventh district shall be composed of the following counties:

Anderson, Bath, Bourbon, Carroll, Clark, Fayette, Franklin, Henry, Jessamine, Menifee, Montgomery, Nicholas, Oldham, Owen, Powell, Scott, Shelby, Spencer, Trimble and Woodford.

The eighth district shall be composed of the following counties:

Boyd, Carter, Elliott, Floyd, Greenup, Johnson, Lawrence, Magoffin, Martin, Morgan and Pike.

The ninth district shall be composed of the following counties:

Bell, Breathitt, Clay, Harlan, Knott, Knox, Leslie, Letcher, Perry and Wolfe.

Senator Jacobs proposed the following resolution:

SENATE RESOLUTION 39

Whereas, a large majority of the tobacco growers of Kentucky favor co-operative marketing of tobacco, and,

Whereas, said tobacco growers are unable to perfect a co-operative marketing system because of the widespread production of tobacco which reaches beyond the boundaries of the State, and,

Whereas, tobacco bears a burdensome tax, which tax is levied indirectly against the producer and constitutes large sums of money going into the Federal Treasury, and,

Whereas, the manufacture of tobacco is controlled by a monopoly, which during the present depression and within the last year has increased the price of its manufactured products, decreased the price of the raw product, paid its regular dividends, added to its surplus and has continued and now continues to grow richer and richer, while the producer grows poorer and poorer, therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Congress of the United States be and it is asked and requested to enact a National Co-operative Marketing Law, relating to the production, sale, manufacture and distribution of tobacco, looking to the protection of the tobacco grower and securing for said grower a fair and just price for his product.

2. That a copy of this resolution be sent to each member of Congress, representing the State of Kentucky, a copy to the Federal Farm Board and a copy to the President of the United States.

Senator Jacobs moved the suspension of the rules, and the adoption of said resolution.

Said motion was agreed to.

The question being taken on the adoption of the resolution, it was decided in the affirmative.

Said resolution was adopted.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles:

H. B. 649. An Act repealing and re-enacting Chapter 107 of the Acts of the General Assembly of the Commonwealth of Kentucky, enacted at the 1926 Session, same being Sections 165-1 to 165-8, inclusive, of Baldwin's 1930 Supplement to the Kentucky Statutes, Carroll's 1922 Edition, and also repealing and re-enacting Chapter 11 of the Acts of the General Assembly of the Commonwealth of Kentucky of 1930, same being Sections 165-9 to 165-24, inclusive, Baldwin's 1931 Kentucky Statute Service, Carroll's Kentucky Statutes. Said Acts hereby repealed relate to the creation of an Air Board for Ken-

tucky; provide the number, qualifications, term, powers and other matters relating to said Board; provide for the creation of airports, buildings and facilities; provide for the licensing and registration of air men and aircrafts; authorizing the members of said Board to employ the necessary personnel, and to empower the Air Board of Kentucky to enforce laws relating to aviation.

To Committee on Military Affairs.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That Chapter 107 of the Acts of the General Assembly of the Commonwealth of Kentucky, enacted at the 1926 session, same being Sections 165-1 to 165-8, inclusive, of Baldwin's 1930 Supplement to the Kentucky Statutes, Carroll's 1922 Edition, and also Chapter 11 of the Acts of the General Assembly of the Commonwealth of Kentucky of 1930, same being Sections 165-9 to 165-24, inclusive, Baldwin's 1931 Kentucky Statute Service, Carroll's Kentucky Statutes, be and the same are hereby repealed and re-enacted so that as re-enacted said laws shall read as follows:

Section 1. There is hereby created a body corporate to be known as the Air Board of Kentucky, the members of which shall be the Governor, ex-officio, the Adjutant General and one other member to be appointed by the Governor with the following qualifications:

(a) Holding office at the pleasure of the Governor.

(b) Male, white, and at least twenty-five (25) years of age.

Said Board may, in its corporate name, sue and be sued, contract and be contracted with, acquire real and personal

property by gift, purchase or condemnation; and may do all things and exercise all rights and powers reasonably necessary to carry out and perform the duties required by this Act.

The members of this Board shall serve without compensation when attending meetings of the Board but shall be allowed reasonable expenses so incurred. The members shall be allowed reasonable expenses and a per diem of five dollars per day when upon duty in connection with the business of the said Board.

Said Board shall hold regular meetings at the State Capitol at Frankfort, Ky., on the first Mondays in January and July of each year and special meetings at the call of the Governor, after due notice. A majority of the members shall constitute a quorum for the consideration of business but an affirmative vote of the majority of all members shall be required for all contracts and agreements creating liabilities or indebtedness.

In the absence of the Governor or Adjutant General the Lieutenant Governor or Assistant Adjutant General may act for them respectively.

§ 2. This Air Board shall provide airports and air routes together with the necessary equipment, markings, personnel, etc., for the State of Kentucky as best suits the interests and future of aviation, both commercial and military, and for such purposes shall be charged with the administration and expenditure of the Air Fund provided for by the biennial Budget bill.

§ 3. The Air Board may, either alone or in co-operation with counties, cities, or incorporated towns, private corporations, voluntary unincorporated associations or individuals, construct or acquire by purchase, contract, lease, donation or condemnation, airports, buildings and grounds suitable for airport purposes and the proper safeguards to flying and to

make additions and improvements in or to such airports and facilities and either alone or with like co-operation of others, provide personnel, heat, light, water, fuel, telephone service, drainage, runways, fueling, facilities, and other costs of operation and maintenance, including insurance, and further to bear the expenses of removal or change of such obstructions as shall exist to menace air travel.

§ 4. The Air Board of Kentucky shall be attached to and be a part of the Military Department of Kentucky. In addition to his other duties the Adjutant General of Kentucky shall be executive officer of the Department of Aviation, shall be responsible to the Governor for the proper functioning of said Department, and shall audit and approve any vouchers issued against the funds of the Air Board before same shall be allowed by the Auditor.

§ 5. In this Act "aircraft" means any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation, but used primarily as safety equipment. "Operating aircraft" means performing the services of aircraft pilot.

§ 6. The public safety requiring and the advantages of uniform regulation making it desirable in the interest of aeronautical progress that aircraft operating within the State should conform with respect to design, construction and airworthiness to the standards prescribed by the United States Government with respect to navigation of aircraft subject to its jurisdiction, it shall be unlawful for any person to navigate an aircraft within the State unless it is licensed and registered by the Department of Congress of the United States in the manner prescribed by the lawful rules and regulations of the United States Government then in force.

§ 7. The public safety requiring and the advantages of uniform regulation making it desirable in the interest of aeronautical progress that a person engaging within this

State in navigating the aircraft described in Section 6 hereof in any form of navigation for which license to operate such aircraft would be required by the United States Government shall have the qualifications necessary for obtaining and holding the class of license required by the United States Government. It shall be unlawful for any person to engage in operating such aircraft within this State in any form of navigation unless he shall have such license.

§ 8. The certificate of the license herein required shall be kept in the personal possession of the licensee when he is operating aircraft within this State, and must be presented for inspection upon the demand of any passenger, any peace officer of this State, or any official, manager or person in charge of any airport or landing field in this State upon which he shall land.

§ 9. The public safety requiring and the advantages of uniform regulation making it desirable, it shall be unlawful for any person to operate any aircraft within this State in any form of navigation whatsoever in violation of the air traffic rules promulgated by the Air Board of the Commonwealth of Kentucky as hereinafter authorized.

§ 10. The Air Board of Kentucky shall, from time to time, promulgate air traffic rules applicable to the operation of aircraft within the Commonwealth; provided, however, that such air traffic rules shall be identical with the air traffic rules adopted by the United States Government as nearly as may be and in so far as same are applicable; which said air traffic rules shall be maintained in current conditions by likewise promulgating any amendments which may be made effective by the United States Government.

§ 11. All aircraft and aircraft pilots operating in the State of Kentucky shall be registered with the Air Board of Kentucky in such a manner and such detail as may be prescribed by said Board from time to time. A period not to exceed thirty days after the beginning of operation shall be

allowed for such registration, provided, however, that no pilot or aircraft shall operate for hire until such application for registration has been made. And provided further that this shall not apply to transient pilots and aircraft, unless such pilots and aircraft are engaged in temporary exhibitions and carrying passengers for hire from a base within the limits of the Commonwealth of Kentucky, nor to pilots and aircraft operating in interstate commerce and not using a point in Kentucky as a base for any operation. Registration fees for the registration provided for in this section shall be charged for at the rate of five dollars ($5.00) for each aircraft operated in this State, either for hire or otherwise. A registration fee of five dollars ($5.00) shall be charged for all aircraft pilots operating in this State. The registration of aircraft and aircraft pilots shall be caused to be made annually. The certificate of registration, as required in this section, shall be displayed in a conspicuous place on the aircraft or carried in the personal possession of the pilot, as the case may be.

§ 12. All fees collected from the registration of pilots and aircraft under the provisions of this Act shall be paid into the treasury of the Commonwealth of Kentucky for the benefit of the General Expenditure Fund, immediately upon receipt thereof.

§ 13. The Air Board of Kentucky shall cause to be inspected all air domes and landing fields of whatsoever nature within the limits of the Commonwealth of Kentucky for the purpose of determining the safety and adequateness of such facilities for the operation of aircraft. It shall be unlawful for any person, firm or corporation to operate any aircraft for hire from any airport or landing field of any nature whatsoever if it has been declared unfit for such operation by the Air Board of Kentucky.

§ 14. Nothing in this Act shall apply to public aircraft of the Federal Government, or of a State, territory, or possession, or of a political subdivision thereof, or to aircraft licenses by a foreign country with which the United States has a re-

ciprocal agreement covering the operation of such licensed aircraft.

§ 15. Any person who violates any provision of this Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one hundred dollars ($100.00) or by imprisonment for not more than ninety days, or both; provided, however, that acts or omissions made unlawful by this Act shall not be deemed to include any Act or omission which violates the laws or lawful regulations of the United States, but it shall not be necessary to allege or prove, as part of the case for the people, that the defendant is not amenable, on account of the alleged violation, to prosecution under the laws of the United States. That he is amenable to such prosecution shall be matter of defense, unless it affirmatively appear from the evidence adduced by the people.

§ 16. It shall be unlawful for any person, firm or corporation to navigate, or cause to be navigated, aircraft within this State except in conformity with the rules and regulations laid down by the Air Board of Kentucky and in conformity with this Act.

§ 17. Any person who shall, without the consent of the owner, go upon or enter, tamper with, or in any way damage or injure any aircraft, shall be guilty of a misdemeanor and shall be punished consistent with the laws of the State.

§ 18. The Air Board of Kentucky is hereby empowered to employ a reasonable and necessary personnel, fix their compensation and prescribe their duties. To administer the provisions of this Act and for such purpose, the Board is authorized to make such regulations as are necessary to execute the functions vested in it by this Act.

§ 19. Should any section of this Act be found in conflict with the Constitution of the Commonwealth of Kentucky, such unconstitutionality shall not affect any other section herein

§ 20. There being urgent need for the promotion of aviation in Kentucky and it being considered that this Act should be placed in effect as soon as possible, an emergency is hereby declared, and this Act shall take effect from and after its passage as required by law.

H. B. 318. An Act providing that any person, firm, partnership, corporation or individual, doing business in this Commonwealth, when publishing or circulating any statement of its resources, shall be required in said statement to publish its liabilities, and providing a penalty for violation of this Act.

To Committee on Printing.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That when any person, firm, partnership, corporation or individual doing business in this Commonwealth shall publish or cause to be published, or circulate in any newspaper, magazine or other periodical or journal or handbill, or otherwise cause to be circulated, a statement of the firm, corporation, partnership or individual, resources, that the person so publishing or causing to be published the said statement, shall also give and publish therewith a complete statement of its liabilities.

§ 2. For any violation of this Act, the person, firm, corporation, partnership, or individual so violating shall be deemed guilty of a misdemeanor and be subject to a fine of not less than ten dollars ($10.00) nor more than one thousand dollars ($1,000.00).

H. B. 160. An Act to amend and to re-enact Section 1847 of Chapter 52, Article 1, of Carroll's Kentucky Statutes, 1930 Edition, concerning election of commissioners which may constitute Fiscal Court.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That Section 1847 of Chapter 52, Article 1, of Carroll's Kentucky Statutes, 1930 Edition, be amended by striking, beginning with the word "except," in the sixty-fourth line of said section, the following words: "Except that they shall not be held on the same day with any regular political election, nor within thirty days next preceding or following any regular political election," so that said section, as amended and re-enacted, shall read as follows:

"But any county in the Commonwealth of Kentucky so desiring it may have three commissioners, to be elected from the county at large, who, together with the judge of the county court shall constitute the fiscal court of said county. To ascertain whether a county desires a fiscal court composed of three commissioners and a county judge, the county judge of said county upon an application by written petition signed by one hundred legal voters of said county is hereby authorized to call an election, and it shall be his duty to call an election, to submit to the legal voters of said county the question: "Are you for having a fiscal court composed of three commissioners and the county judge of the county court?" Upon such petition being filed with the judge of the county, it shall be the duty of the judge of the county court in such county at the next regular term thereof after receiving said petition to make an order on his order book directing an election to be held in said county to be affected thereby, on some day named in said petition, not earlier than sixty days after said application is lodged with the judge of the said court, which order shall direct the sheriff of the county or officers of the said county who may be appointed to hold said election, to open the polls at each and all of the voting precincts in said county for the purpose of taking the sense of the legal voters

of such county, who are qualified to vote at elections for county officers, upon the proposition whether said county shall have a fiscal court composed of three commissioners from the county at large with the county judge. It shall be the duty of the county court clerk of the county affected to give to the sheriff or the officer appointed as aforesaid to hold said election certified copy of said order as it appears on the order book, within five days after said order is made; and it shall be the duty of the sheriff or other officer aforesaid to have said order published in some weekly or daily newspaper published in the English language in said county for at least two consecutive weeks before the election, and also to advertise the same by printed handbills posted at some conspicuous place or places in each precinct in the county, for the same length of time, when the election will be held for the county, and the purpose thereof. All elections hereby provided for shall be held by such officers as would be qualified to hold elections for county officers, and they shall be elected in the same way, and all elections herein provided for shall be held in accordance with the provisions of the general election laws of the State. If a majority of the legal votes cast at said election are in favor of the fiscal court of said county being composed of three commissioners to be elected from the county at large and the judge of the county court, it shall be the duty of the county judge before the next regular election for county officers to divide the county into three districts as nearly equal in population as practicable and possible, and at said election there shall be elected in the said county by the qualified voters thereof, and every four years thereafter, three commissioners, one from each district, and with the judge of the county court shall constitute the fiscal court of the county until otherwise changed by law. The election herein provided for shall not be held in any county oftener than once in four years. The said commissioners shall each be paid out of the county levy in lieu of all fees and in full compensation for their services as follows: In counties having a city of the second class not more than two thousand dollars ($2,000.00) per annum, payable monthly, and same to be fixed by the fiscal court. In

all other counties said commissioners shall receive such compensation as may be provided by law."

H. B. 319. An Act providing that when any corporation shall publish or cause to be circulated or published, a statement of its assets, that the surplus of the assets shall not be included with the capital stock of the corporation, and providing a penalty for violation of this Act.

To Committee on Banks and Trust Companies.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That when any corporation doing business in this Commonwealth, whether created under the laws of this Commonwealth or otherwise, shall cause to be published or circulated a statement of its assets, that the surplus of the said corporation shall not be included with the capital stock, but that the items of capital stock and surplus and the value of each shall be shown separately upon the said statement.

§ 2. For any violation of this Act, corporations so violating shall be deemed guilty of a misdemeanor and shall be subject to a fine of not less than $10.00 nor more than $1,000.00.

H. B. 397. An Act invalidating provisions of fire insurance policies denying liability and defeating payment of the insurance because of failure of title to property, except in cases of fraud and misrepresentation.

To Committee on Insurance.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That any restriction, limitation or other provision in a policy of insurance on real estate to the effect that it shall be inapplicable, or the insurance void, if the buildings be on ground not owned by the insured in fee simple, shall be void if he was at the time of the issuance of the policy in possession under a bona fide claim of title and exercising the rights and privileges of ownership, and the payment of the insurance shall not be defeated on account of any condition, cause or situation in respect to the title; provided, however, that the terms of this Act shall not apply in cases where active fraud or affirmative misrepresentations concerning the title to the property induced the issuance of the policy.

H. B. 345. An Act relating to search and seizure, and amending and re-enacting Section 2554a-14, Carroll's Kentucky Statutes, 1930 Edition, and providing penalties for violations of this Act.

To Committee on Courts and Legal Procedure.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section 2554a-14, Carroll's Kentucky Statutes, 1930 Edition, be and hereby is amended and re-enacted and as amended and re-enacted shall read as follows:

Any circuit judge, county judge, police judge, or justice of the peace when affidavit of any State or federal officer, or of any reputable citizen, is filed with him describing the house, building or premises, as nearly as may be where intoxicating liquors are sold or manufactured or disposed of, or illegally possessed in violation of this act, shall by his warrant cause any house or building or other place or premises to be searched by night or day for the detention of any intoxicating liquors which are kept there for sale or other disposition, in violation of this act, or for the detention of any illicit still or

apparatus designed for the manufacture of intoxicating liquors or for intoxicating liquors illegally possessed in violation of this act, and if admission be not given on demand made by the officers enforcing said warrant shall force an entrance into such house, building or other place and seize any intoxicating liquors and illicit stills, or apparatus designed for the manufacture of liquor and arrest the keeper or person in charge of such house, building or other place, or intoxicating liquors or still or apparatus, and carry such person before said judge issuing the warrant to be dealt with according to law. Any officer receiving a warrant as herein set out shall immediately proceed to execute same on the day received and for failure to do so shall be fined not less than one hundred dollars nor more than five hundred dollars. If any county judge, police judge, or justice of the peace shall issue a search warrant without the affidavit required by this section, in his office, and it shall be illegal for the magistrate to accompany any officer or officers in executing any warrant, or should issue search warrant in blank without giving the name of the person and a description of the property, house, building or place to be searched, the said officer issuing said warrant shall be deemed guilty of a misdemeanor and subject upon conviction to be indicted and fined not less than one hundred dollars and not more than five hundred dollars and imprisoned in the county jail not less than thirty nor more than sixty days in the discretion of the jury, and excluded from office by the judgment of the court.

§ 2. Any sheriff, deputy sheriff, constable, police or other peace officer, without search warrant, or with a search warrant delivered to him in blank and which has been filled out by him by placing the name of the person to be searched therein or a description of the house, building or other place therein, or any alteration thereof, who makes a search of any building, house or other place or of the person of the occupant or owner thereof, shall be deemed guilty of a misdemeanor and subject to be indicted and upon conviction be fined in any sum not less than one hundred dollars nor more than five hundred dollars and imprisoned in the county jail for not less

than thirty nor more than sixty days in the discretion of the jury, and excluded from office by the judgment of the court.

§ 3. All acts and parts of acts in conflict herewith are hereby repealed.

H. B. 532. An Act to amend and re-enact Section 4238, Kentucky Statutes, Carroll's 1930 Edition, relating to revenue and taxation, so as to increase the State tax on the recording of certain instruments and marriage licenses.

To Committee on Revenue and Taxation.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Section 4238, Kentucky Statutes, Carroll's 1930 Edition, be and the same hereby is amended and re-enacted so that said section as amended and re-enacted shall read as follows: On each original action or proceeding in the circuit court, commencing with or without original process, and on each original action or proceeding in other courts, when the amount in controversy, exclusive of interest and cost, exceeds fifty dollars ($50.00); on each appeal to the circuit or quarterly court; on each traverse or forcible entry or detainer; on each proceeding to revive a judgment; on each deed or power of attorney to convey real or personal estate, or any mortgage or conveyance of real or personal property, or lien or conveyance of coal, oil, gas or other mineral right or privilege, one dollar ($1.00), and on each marriage license three dollars and fifty cents ($3.50). and on the seal of any court, required by law to keep a seal, fifty cents (50c), except for license authorized by the State; on each appeal to the court of appeals, two dollars ($2.00); on each verdict of a petit jury in civil cases in the circuit court, four dollars ($4.00). The tax shall be paid when the parties withdraw a jury or the plaintiff sustains a non-suit after the jury is sworn. On filing and registering a plat and certificate of survey, and

issuing and recording patent thereon, one charge, which shall be paid before the survey is filed, but not to apply to survey heretofore filed in the register's office, two dollars and fifty cents ($2.50) for each survey consisting of ten acres or less, and five dollars ($5.00) for each survey in excess of ten acres; for filing a caveat, twenty-five cents (25c); for filing a copy of judgment of a court in a case of a caveat, mandamus or other proceedings affecting the land office, or the duties of the register, twenty-five (25c); for issuing a land warrant, one dollar ($1.00); for each official certificate with seal of office affixed, one dollar ($1.00); for a copy of a plat, fifty cents (50c); for a copy of a course and distances of any patent or survey, fifty cents (50c); for a copy of an entry or land warrant, fifty cents (50c); for a copy of an assignment, twenty-five cents (25c); for a copy of a caveat, two cents (2c) for every twenty words; for a copy of any writing not specifically provided for, two cents (2c) for every twenty words.

H. B. 392. An Act providing for the practice of Barbering and Beauty Specialists requiring the registration of Barbers and Apprentices and Beauty Specialists and Apprentices, and the supervising of Barber shops and Beauty Shops:

To Committee on Public Health.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. Requirement of Registration.

(a) That after July 1, 1932, no person shall practice or attempt to practice barbering, or that of beauty culture, without a certificate of registration as a registered barber, or beauty specialist issued pursuant to the provisions of the herein Act, by the Board of Barber and Beautician Examiners, hereinafter established.

(b) After July 1, 1932, no person shall serve or attempt

to serve as an apprentice under a registered barber or beauty specialist without a certificate of registration as a registered apprentice issued by the Board.

(c) After July 1, 1932, it shall be unlawful to operate a Barber Shop, or Beauty Shop unless it is at all time under the direct supervision and management of a registered Barber or Beauty Specialist.

§ 2. Practice Defined.

Any one or combination of the following practices (when done upon the upper part of the human body for cosmetic purposes and not for the treatment of diseases or physical or mental ailments and when done for payment either directly or indirectly, or without payment for the public generally) constitutes the practice of barbering, or beauty culture.

(a) Shaving or trimming the beard or cutting the hair;

(b) Giving facial and scalp massage or treatments with oils, creams, lotions or other preparations either by hand or mechanical appliances;

(c) Singeing, shampooing or dyeing the hair or applying hair tonics;

(d) Applying cosmetics preparations, powders, oils, clay or lotions to scalp, face, neck or upper part of the body.

The practice of Beauty Culture shall include each above named section; But, Ladies' Hair Cutting Only of Section A. Permanent Waving, Marcelling, and Finger Waving.

§ 3. Practice of Apprentice.

No registered apprentice may independently practice barbering or practice as a beauty specialist, but he or she may as an apprentice, do any or all of the acts constituting the practice of barbering, and that of a beauty specialist under the

immediate supervision of a registered barber or beauty culturist, and only one shall be employed in any licensed shop.

§ 4. Exemptions.

The following persons are exempt from the provisions of this Act, while in the proper discharge of their professional duties.

(a) Persons authorized by the law of this State to practice medicine and surgery.

(b) Commissioned medical or surgical officers of the United States Army, Navy, or Marine Hospital Service.

(c) Registered nurses.

§ 5. Qualification for Certificate of Registration as Registered Barber and Registered Beauty Specialist.

A person who is qualified to receive a certificate of registration to practice barbering and beauty culture.

(a) Who is qualified under section 6 of this Act.

(b) Who is at least eighteen (18) years of age.

(c) Who is of good moral character and temperate habits;

(d) Who has practiced as a registered apprentice for eighteen months under the immediate supervision of a registered member of his or her profession, and

(e) Who has passed a satisfactory examination conducted by the Board to determine his or her fitness to practice barbering or beauty culture.

An applicant for a certificate of registration to practice as a registered barber or beauty specialist, who fails to pass

a satisfactory examination conducted by the Board must continue to practice as an apprentice for an additional six (6) months before he or she is entitled to take the examination for a registered barber or beauty specialist.

§ 6. Qualifications for Certificate of Registration as Registered Apprentice.

A person is qualified to receive a certificate of registration as a registered apprentice:

(a) Who is at least sixteen and one-half (16½) years of age;

(b) Who is of good moral character and temperate habits;

(c) Who has graduated from an accredited school of barbering or beauty culture; and who has passed a satisfactory examination conducted by the Board to determine his or her fitness to practice as a registered apprentice.

An applicant for a certificate of registration to practice as an apprentice, who fails to pass a satisfactory examination is required to complete a further course of study of not less than five hundred (500) hours, to be completed within three months of not more than eight (8) hours in any working day in an accredited school of barbering or beauty culture.

§ 7. Minimum Standard of Professional Education.

No school of barbering or beauty culture shall be approved of the board unless it is accredited and requires as a prerequisite to graduation, a course of instruction of not less than seven hundred hours to be completed in four months of not more than ten hours a day; such course of instruction to include the following subjects: Histology of the hair, skin, nails, muscles, and nerves of the face and neck; elementary chemistry, relating to sterilization and antiseptics; diseases of the skin, hair, glands, massaging and manipulating the mus-

cles of the upper body; hair cutting, shaving, arranging, dressing, coloring, bleaching and tinting the hair, and such other courses as scientific research and progress in the future may render desirable.

§ 8. Application for Examination.

Each applicant for examination shall make application to the board on blank forms prepared and furnished by the board such application to contain proof under the applicant's particular qualifications of the applicant.

Furnish the board two 3-inch by 5-inch signed photographs of the applicant, to be presented to the board when the applicant appears for examination, one to accompany the application, and one to be returned to the applicant. Pay to the board required fee.

§ 9. Examination.

The board shall conduct examinations of applicant for certificates of registration to practice as a registered barber, a registered beauty specialist, and a registered apprentice, not less than four times each year, at such times and places as the board may determine.

The examination of applicants for certificates of registration as registered barbers, registered beauty specialists, and registered apprentices shall include both practical demonstration and written and oral test, and shall embrace the subjects usually taught in schools of barbering and of beauty culture approved by the board.

§ 10. Issuance of the certificate.

Whenever the provisions of the act herein have been complied with, the board shall issue a certificate of registration to the applicant.

§ 11. Non-Residents.

Persons having practiced barbering and beauty culture in another State or country;

(a) A person who is at least eighteen years of age.

(c) Who is of good moral character and temperate habits; and

Who has a license or certificate of registration as a practicing barber or beautician from another State or country, which has substantially the same requirements for licensing or registering; or

Who can prove by affidavits that he or she has practiced as barber or beautician in another State or country for at least three years prior to making application in this State; shall

Upon payment of required fee, be issued a permit to practice as a journeyman barber or beautician until she or he is called by the board for examination to determine his or her fitness to receive a certificate of registration to practice barbering or beauty culture. Should he or she fail to pass the required examination he or she shall be allowed to practice as a journeyman barber or beautician until he or she is called by the board for the next term of examinations. Should he or she fail at the third examination, he or she must cease to practice barbering or beauty culture in this State.

(a) A person who is a least sixteen and one-half years of age.

(c) Who is of good moral character and temperate habits; and

(e) Has a certificate of registration as an apprentice in a State or country which has substantially the same requirements as an apprentice as is approved by this act, shall upon

payment of the required fee be issued a permit to work as an apprentice until called by the board for examination to determine his or her fitness to receive a certificate of registration as an apprentice. Being able to pass the required examination he or she will be issued a certificate of registration as a registered apprentice, and the time spent in such State or country shall be credited upon the period of apprenticeship required by this Act as a qualification to take the examination as registered barber or registered beauty specialist.

A person who has practiced as an apprentice in another State or country which does not have substantially the same requirements for registration as an apprentice as required by this Act, and who has the qualifications as required by section 7 of this Act, shall be credited with the time so spent as an apprentice in such other State or country upon period of apprenticeship required by this Act as a qualification to take the examination to determine his or her fitness to receive a certificate of registration as a member of the barber or beauty culture profession.

§ 12. Present Practitioner.

Any person, resident of this State, who either for one year immediately preceding July 1, 1932, was continuously engaged in the practice of barbering or that of a beauty specialist at one or more established places of business in this State, or has, prior to July 1, 1932, graduated from a school of barbering or beauty culture, shall be granted a certificate of registration in his or her particular profession, without examination, by making application to the board on or before the first day of July, 1932, and paying the required fee of $5.00 and shall be given credit for time previously spent in such practice.

Any person who on and prior to July 1, 1932, was a student in a school of barbering or beauty culture is qualified upon graduation from such school, to take the examination for a certificate of registration to practice as an apprentice,

without regard to whether such a school complied with the standards for approval specified in section 7 of this Act.

§ 13. Display of Certificate.

Every holder of a certificate of registration shall display it in a conspicuous place adjacent to or near his or her work chair.

§ 14. Renewal and Restoration of Certificates.

Every registered barber or beauty specialist and every registered apprentice who continues in active practice or service, shall annually, on or before July of such year, renew his or her certificate of registration and pay required fee. Every certificate of registration which has not been renewed during the month of July in any year, shall expire on the 1st day of July in that year.

A registered barber or beauty specialist or a registered apprentice whose certificate of registration has expired may have his or her certificate restored immediately upon payment of the required restoration fee.

Any registered barber or registered beauty specialist who retires from practice of his or her profession for not more than five years, may renew his or her certificate of registration upon payment of the required registration fee.

§ 15. Refusal and Revocation of Certificate.

The board may either refuse to issue or renew or may suspend or revoke any certificate of registration for any one or combination of the following causes:

(a) The conviction of a felony shown by a certified copy of the court of conviction;

(b) Gross malpractice or gross incompetency.

(c) Continued practice by a person knowingly having an infection or contagious disease;

(d) Habitual drunkenness or habitual addiction to morphine, cocaine, or other habit forming drugs;

(e) The use of any room or place for barbering or beauty culture which is also used for residential or business purposes, (except the sale of hair tonics, lotions, creams, cultury, toilet articles, cigars, tobacco, confectionery and such commodities as are used and sold in barber or beauty shops), unless a substantial partition of ceiling height separates the portion used for residential or business purposes.

(f) The violation of any of the provisions of this Act, and the failure to enforce sanitary regulations prescribed for in section 21 of this Act.

§ 16. Hearing by the Board.

The board may neither refuse to issue, nor refuse to renew nor suspend, nor revoke any certificate or registration, however, for any of these causes unless the person accused has been given at least twenty days notice in writing of the charge against him or her and a public hearing by the board.

Upon the hearing of such proceeding the board may administer oaths and may procure by its supoenas, the attendance of witnesses and the production of relevant books and papers.

If the applicant is aggrieved by the action of the board, he or she may appeal to the Franklin Circuit Court at Frankfort, Kentucky, by filing with the clerk of said court a certified copy of the written charge or charges, as heard by the board, said board being required to make certified copy of said charge or charges on demand of applicant and when same is lodged with the clerk of said circuit court at Frankfort, Kentucky, and advance cost required paid, within ten days after

the board's finding the appeal will have been perfected and same shall be docketed and will stand for trial.

§ 17. Fees.

The fee to be paid by an applicant for an examination to determine his or her fitness to receive a certificate of registration to practice barbering or to practice as a beauty specialist, is Ten ($10) Dollars, and for the issuance of a certificate Five ($5) Dollars.

The fee to be charged an applicant for an examination to determine his or her fitness to receive a certificate of registration to practice as an apprentice is Five ($5) Dollars, and for the issuance of the certificate One ($1) Dollar.

The fee to be paid for the renewal of a certificate of registration to practice barbering or as a beauty beautician, is Three ($3) Dollars, and for the restoration of an expired certificate Five ($5) Dollars.

The fee to be charged for the renewal of a certificate of registration to practice as an apprentice is Three ($3) Dollars, and for the restoration of an expired certificate, Five ($5) Dollars.

§ 18. Penalty for Violation of Any of the Provisions of this Act or Any Rule or Regulation Promulgated by the Board.

Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed Two Hundred ($200) Dollars, and not less than Twenty-five ($25) Dollars.

§ 19. There is hereby created a Board of Barbers and Beauticians Examiners, to be known as the Kentucky State Board of Barbers and Beautician Examiners.

The governor will appoint as members of said board; one

master barber, one unorganized master barber, one journeyman barber, and one beautician.

Each member must be resident of the Commonwealth of Kentucky at the time of his or her appointment, and must also have practiced the profession for five years immediately prior to appointment.

Two members of the first board shall serve for two years from the date of his or her appointment and qualification and the other two years members appointed shall serve for four years from the time of his or her appointment and qualification. At the expiration of the term of office of the two members whose terms of office expire in four years, their successors shall be appointed for a term of four years thereafter. At the expiration of the term of office of the two members whose terms of office expire in four years, their successors shall be appointed for a term of four years thereafter. The governor will make such appointments within thirty days after this act.

Members appointed by the governor to fill vacancies shall be appointed from a list of three submitted by the one of the four heretofore mentioned organizations not represented on said board by reasons of said vacancy, and he or she shall hold office during the unexpired term of their predecessor but this provision does not preclude reappointment.

§ 20. Officers, Compensation, Etc.

The appointees to the board shall meet within ten days after their appointment and perfect an organization by electing a president and secretary and adopting reasonable rules and regulations for the transaction of business and for putting into effect the provisions of this act. It shall use and adopt a common seal for authentication of its orders and records and establish and keep an office at Frankfort or elsewhere in Kentucky.

The secretary shall keep a record of all proceedings of

the board and within ten days, after the close of every meeting of the board will deposit with the State Treasurer of Kentucky all money collected and take his receipt therefore and all money received by the secretary at any and all times shall be so deposited. The secretary of the board shall execute to the State of Kentucky a good and sufficient bond, approved by the governor, in the sum of Ten Thousand ($10,000) Dollars, to insure the faithful performance of his or her duties.

A majority of the members of the board present in meetings legally assembled may perform and exercise all the duties and powers devolving upon the board. The secretary of the board shall receive a salary of not to exceed three thousand ($3,000) dollars per annum, and shall be reimbursed for his or her necessary traveling expenses incurred and incident to the actual discharge of his or her duty, and each member of the board shall receive as compensation for actual attendance on legally assembled meetings of the board ten ($10) dollars, for each day such member attends as shown by the record and shall be reimbursed for necessary traveling expenses to be paid only from the fund created by fees collected in the administration of this act and subject to such restrictions as is required of other officers of the Commonwealth as to traveling expenses.

The board shall have authority to employ such inspectors, clerks and assistants as it may deem necessary to carry out the provisions of this act; provided however that such employment is with the knowledge to such person or persons so employed that a pro-rata of the fees to be collected will insure such payment and not be in excess of receipts. The board shall meet quarterly at the same time and place as provided in section 9 of this act, and shall then conduct all examinations of applicants. It will conduct such other business as that is before the board to meet for any urgent purpose, a call meeting may be had on notice from the president or should president refuse to call meeting of the board to met such urgent necessity then in that event a notice from the secretary signed by any two members of the board will legally convene said

board for said purpose, but no other business can be transacted at such call meetings except the business specified in the notice.

§ 21. The board is authorized to make and promulgate any rule or regulation in its opinion necessary, not in conflict with law, for the purpose of effectively enforcing the provisions of this act, and when such rules or regulations are passed and published by said board, it shall be subject to enforcement the same as if incorporated in and made a part of this act and said rules and regulations shall include the prescribing of sanitary requirements for barber shops and beauty shops and barber and beauty schools.

Any member of the board, or its agents or assistants when authorized in writing by the board, shall have the authority to enter upon the premises and into any barber shop or beauty shop or barber school, or beauty culture school at any reasonable time during business hours for purpose of official inspection. A copy of such rules and regulations so promulgated by the board shall be provided the owner or manager of such shops and schools, and by such owner or manager displayed in a conspicuous place in each shop or school.

The board shall keep accurate and complete record of all its proceedings and especially its proceedings relating to the issuance, refusal, renewal, suspension and revocation of certificates of registration. Such record shall contain the name, place of business and residence of each registered barber and registered apprentice and each registered beauty specialist, and the date and number of his or her certificate of registration. This shall be a public record open to public inspection at all reasonable times.

§ 22. Partial Unconstitutionality.

If any section or part of this act on review by the courts of the State should be declared to be in conflict with the constitutions of the State, it shall not effect the validity or force

of any other section or part thereof not declared to be unconstitutional.

A message was received from the House of Representatives, announcing that they had passed a bill and resolution of the following titles:

S. B. 141. An Act to amend and re-enact Section 2622 of the Kentucky Statutes compiled by the Honorable John D. Carroll.

S. Res. 18. A resolution concerning the preservation of natural scenery around Frankfort.

## COMMITTEE REPORTS

Senator Rogers of the Committee on Education, to which had been referred a bill of the following title:

H. B. 730. An Act to provide for the appointment of a County Superintendent of Schools in Counties containing cities of the first or second class, and describing his term of office, qualifications, duties and salary, and repealing all laws or parts of laws in conflict herewith.

Reported with expression of opinion that same ought to pass.

Senator Rogers of the Committee on Motor Vehicles and Transportation, to which had been referred a bill of the following title:

S. B. 164. An Act to amend and re-enact an Act known as Chapter 81 of the Acts of 1930, Entitled, "An Act to amend and re-enact an Act known as Chapter 87 of the Acts of 1922, entitled, 'An Act to amend sub-section C of Section 2, Chapter 90, page 415 of the Acts of the General Assembly of 1920, regulating fees for passenger automobiles' ", and further regulating fees for passenger Automobiles.

The majority reported with expression of opinion that same ought to pass by the following senators:

Senator O. M. Rogers, Senator L. Ryans, Senator D. C. Naive and Senator W. W. Booles.

A minority report with the expression of opinion that the same ought not to pass, was offered by the following senators: C. G. Franklin, Perry B. Gaines, Robert Humphreys, Edwin C. Dawson and Allie W. Young, as a substitute for the report of the Majority of the Committee.

The yeas and nays being demanded thereon by Senators Franklin and Gates F. Young, resulted as follows:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Robert Humphreys | O. M. Rogers |
| H. M. Brock | Wm. Isaacs | E. D. Stephenson |
| Edwin C. Dawson | Silas Jacobs | Joe Stewart |
| Walter N. Flippin | C.T.McCormick,Sr. | Thos. O. Turner |
| Chas. G. Franklin | Ray B. Moss | Sewell B. Williams |
| Perry B. Gaines | Marion F. Pogue | W. A. Yates |

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Those who voted in the negative were:

| | | |
|---|---|---|
| W. W. Booles | L. C. Littrell | Dr. G. W. Ragan |
| Dr. T. J. Edge | Frank I. Lloyd | J. M. Rose |
| Thos. C. Ferguson | Rev. C. D. McCaw | R. H. Royster |
| Arch Hamilton | Wm. Mehler | Dr. Lewis Ryans |
| J. S. W. Holloway | E. C. Moore | Fred C. VanHoose |
| Alex E. Johnson | D. C. Naive | Gates F. Young |

—18

The roll call resulted in a tie vote and the Lieutenant-Governor under the authority vested in him in case of a tie vote of the Senate, voted in the negative.

Therefore said bill was given its 1st reading and placed on the Calendar.

Senator Gates F. Young of the Committee on Banks and Trust Companies, to which had been referred a bill of the following title:

S. B. 124. An Act entitled An Act to authorize receivers and liquidating agents of closed and insolvent banks to borrow money and to secure same pledge the assets of such bank or banks for the purpose of making distribution to depositors, or to re-organize or re-open such bank or banks.

Reported with expression of opinion that same ought to pass.

Senator McCormick of the Committee on Agriculture to which had been referred a bill of the following title:

S. B. 382. An Act regulating the planting of trees, shrubs, or other growths within the State Highways, designating care and control, providing penalty for injuring and destroying same, designating certain money for nursery highway fund and naming who shall receive said trees.

Reported with expression of opinion that same ought to pass.

Senator Pogue of the Committee on Kentucky Statutes, No. 2, to which had been referred a bill of the following title:

S. B. 323. An Act to repeal, amend and re-enact Section 4042a-8 of Kentucky Statutes, relating to the compensation of County Tax Commissioners.

Reported with expression of opinion that same ought to pass.

Senator Moore of the Committee on Courts and Legal Procedure, to which had been referred a bill of the following title:

H. B. 320. An Act to provide for the appointment of a

curator for persons absent and not known to have been living for a year or more, and to prescribe the duties of such curator.

Reported with expression of opinion that same ought to pass.

Senator Gaines of the Committee on Appropriations, to which had been referred a bill of the following title:

S. B. 203. An Act to provide for the manufacture of chairs, tables, desks, stools, seats and benches by the inmates of the penal institutions of the State of Kentucky, and making an appropriation therefor.

Reported with expression of opinion that same ought to pass.

Senator Lloyd of the Committee on Labor and Manufacturing, to which had been referred a bill of the following title:

H. B. 400. An Act relating to the advancement of credit against labor performed or to be performed.

Reported with expression of opinion that same ought to pass.

Senator Rogers of the Committee on Education, to which had been referred a bill of the following title:

H. B. 234. An Act guaranteeing to all children in this Commonwealth school privilege for the legal term of school.

Reported with expression of opinion that same ought to pass.

Senator Ragan of the Committee on Public Health, to which had been referred a bill of the following title:

H. B. 392. An Act providing for the practice of Barber-

ing and Beauty Specialists requiring the registration of Barbers and Apprentices and Beauty Specialists and Apprentices, and the supervising of Barber Shops and Beauty Shops:

Reported with expression of opinion that same ought to pass.

Senator Mehler of the Committee on Municipalities, to which had been referred a bill of the following title:

S. B. 394. An Act to amend and re-enact Section 3184 and Section 3185 of Kentucky Statutes, Carroll's 1930 Edition and relating to the payment and collection of taxes in cities of the second class.

Reported with expression of opinion that same ought to pass.

Senator Ragan of the Committee on Public Health, to which had been referred a bill of the following title:

H. B. 439. An Act to repeal and re-enact Chapter 143 of of the 1930 Acts of the General Assembly of the Commonwealth of Kentucky, same being Section 2061a-4a, Baldwin's 1930 Supplement to Carroll's 1930 Kentucky Statutes, entitled "certain counties may divert funds for support and maintenance of Sanatoria. When."

Reported with expression of opinion that same ought to pass.

Senator Humphreys of the Committee on Veterans Legislation, to which had been referred a bill of the following title:

S. B. 361. An Act to repeal and re-enact Section 6 of "An Act to repeal and re-enact an Act entitled: 'An Act granting pensions to indigent and disabled Confederate soldiers and their widows' which became a law February 28th, 1928," and which Act repealing and re-enacting it was Chap-

ter 150, Acts of 1938, page 521, and said Section 6 of the 1928 re-enacted Act is now Section 415b-6 of the present 1930 Edition of Carroll's Kentucky Statutes.

Reported with the following amendment thereto:

Amend Senate Bill 361 by striking out in line 11 on page 2 of printed bill the figures, 1890, and substituting therefor the figures 1900.

Reported with expression of opinion that same ought to pass with amendment thereto.

Senator McCaw of the Committee on Classifications of Cities and Towns, to which had been referred a bill of the following title:

H. B. 544. An Act requiring all incorporated cities and towns in the State of Kentucky to acquire lands for dumping garbage, and compelling said city or town to keep an open road to and from such lands in repair.

Reported with expression of opinion that same ought to pass.

Senator McCaw of the Committee on Classifications of Cities and Towns, to which had been referred a bill of the following title:

S. B. 412. An Act to amend and re-enact Section 3354 of Kentucky Statutes relating to police judges in cities of the third class.

Reported with expression of opinion that same ought not to pass.

Senator Ferguson of the Committee on Military Affairs, to which had been referred a bill of the following title:

H. B. 615. An Act repealing and re-enacting Sections

2711a-1 to 2711a-127, inclusive, and Sections 2711a-129 to 2711a-141, inclusive, of Chapter 86 of Baldwin's 1930 Supplement to the Kentucky Statutes, Carroll's 1922 Edition, same being an Act providing for the organization, armament, discipline and government of the militia and National Guard of Kentucky; providing for a Military Department of Kentucky; providing for the proper officer and other employees of said Department; same being intended to repeal and re-enact all of the present laws of Kentucky relating to the militia and National Guard except Section 2711a-128 of Baldwin's 1930 Supplement of the Kentucky Statutes, Carroll's 1922 Edition, which section is specifically exempted from the effect of the repeal and re-enactment herein provided for.

Reported with expression of opinion that same ought to pass.

Senator Ragan of the Committee on Public Health to which had been referred a bill of the following title:

S. B. 350. An Act to repeal and re-enact Section 3727a-12, Kentucky Statutes, 1915 Edition, relating to the employmen of trained nurses.

Reported with expression of opinion that same ought to pass.

Senator Moss moved that said bill be given its first reading, the report of the committee to the contrary nowithstanding.

The yeas and nays being ordered thereon, resulted as follows:

Those who voted in the affirmative were:

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|---|---|---|
| H. M. Brock | Arch Hamilton | Alex E. Johnson |
| Dr. T. J. Edge | Robert Humphreys | Frank I. Lloyd |
| Walter N. Flippin | Wm. Isaacs | Rev. C. D. McCaw |

| | | |
|---|---|---|
| C.T.McCormick,Sr. | Ray B. Moss | Dr. Lewis Ryans |
| Wm. Mehler | O. M. Rogers | Joe Stewart |
| E. C. Moore | | —17 |

Those who voted in the negative were:

| | | |
|---|---|---|
| W. W. Booles | D. C. Naive | Fred C. VanHoose |
| J. S. W. Holloway | Dr. G. W. Ragan | Gates F. Young |
| Silas Jacobs | J. M. Rose | —8 |

Said motion was lost, according to the rules of the Senate which requires two-thirds of the members elected to give first reading.

## CALENDAR

Senator Gates F. Young moved that the second reading of bills be dispensed with and that they be read by titles only.

Said motion was agreed to by a majority of the members elected.

It was ordered that said bill be read by titles only, and placed in Orders of Day.

Titles to said bills are as follows, viz.:

S. B. 330. An Act to amend Chapter 203 of the Acts of the General Assembly of 1926, which is under Section 5346t-17-2, of Carroll's 1930 Kentucky Statutes relating to roads and highways, and establishing and creating road project No. 144.

S. B. 383. An Act to amend and re-enact Chapter 18, page 526 of the Acts of the General Assembly of 1924, now Kentucky State road project No. 80, by adding the words "Haddock's Ferry" just before the word Calvert City in said original act, so that when same is amended and re-enacted it will read as follows:

S. B. 325. An Act to repeal and re-enact Chapter 118 of the Acts of the General Assembly of 1922, relating to roads and highways.

S. B. 332. An Act establishing as part of the primary system of State Highways a road beginning at Denver, Johnson County, Kentucky, running down Jennie's Creek to Line Branch; up Line Branch to Rockhouse Branch, thence down Paint Creek to Harry Davis Farm intersecting with Route No. 40.

S. B. 357. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

S. B. 358. An Act establishing as part of the primary system of State Highways beginning at the junction of Washington and Jefferson Streets in the town of Burlington, Boone County, Kentucky, thence in a southerly direction to what is known as the Tanner road where it intersects the Burlington and Union Road; thence in a southerly direction to State Highway No. 42, known as the Florence and Louisville Road about one mile north of the town of Union.

S. B. 373. An Act establishing a primary road project from Pleasant Ridge via Red Hill and Union to Gilpenville.

S. B. 375. An Act to amend Section 1, project No. 375, Chapter 315, page 675 of the Acts of the General Assembly of 1928, now project No. 375, under Section 4356t-5, page 2253 Road Projects of Carroll's Kentucky Statutes, 1930 Edition, relating to establishing a system of State Highways and providing for their construction and maintenance.

S. B. 389. An Act to establish a Primary Road project to be known as Project No. — beginning at J. Wilson's Store at the mouth of Island Creek in Owsley County on project No. 11, and running up Island Creek by way of Island City at Brewers Store on Sturgeon Creek in Owsley County and intersecting with Booneville-Tyner-East Bernstadt Road Project No. —.

S. B. 390. An Act to establish a Primary Road project to be known as Project No. — beginning at the Pendergrass Farm near Pleasant Hill School on State Project No. 52 in Owsley County and running by way of Tonny Quillens Farm, by way of Benson Post Office, Travelers Rest Post Office and intersecting with Booneville-East Bernstadt Road at or near New Hope in Owsley County.

S. B. 391. An Act to establish a primary Road Project to be known as Project No. — beginning at the mouth of Road Run on State Project No. 11, in Clay County, Kentucky, thence up Buffalo Creek to the forks, thence up the left hand fork to the head of Squabble Creek and down Squabble Creek to Buckhorn.

S. B. 396. An Act relating to roads and highways, and describing and establishing a project to be added to the State Highway system of roads and highways running from State Highway No. 52 at or near the top of Hatton Hollow Hill, via Evelyn and up Rosses Creek to Gentrys store and thence via the Old Orchard and the Farmer Ridge to Stone Coal Church and thence following substantially the county road via Delvinta School to Ida May, Lee County.

S. B. 408. An Act establishing as a part of the primary system of State roads and highways, a road leading from Elmer Carters Store in Edmonson County, via Straw and Dickeys Mill to Cub Run.

S. B. 404. An Act establishing as a part of the primary system of State Highways a road beginning at Glasgow Junction and running thence via the old Mammoth Cave railroad line to Mammoth Cave.

S. B. 398. An Act to create and establish certain Road projects to be a part of the Primary road system of the Commonwealth of Kentucky.

S. B. 244. An Act amending Section 579, Kentucky Stat-

utes, Carroll's 1930 Edition, relating to banks and banking, and empowering banks, trust companies, and combined banks and trust companies to pledge certain assets as security for public funds of the United States, State, municipal, county, public schools, taxing districts, and other public funds.

H. B. 672. An Act to amend and re-enact an Act of the General Assembly of the Commonwealth of Kentucky of 1932, known as House Bill No. 245, approved by the Governor on February 2, 1932, and entitled "An Act to amend and re-enact Section 4693 Carroll's Kentucky Statutes, relating to depositories."

H. B. 207. An Act to repeal and re-enact Section 3051 of the Kentucky Statutes, 1930 Edition, relating to annexation by cities of the Second class.

S. B. 399. An Act relating to intoxicating liquor and to repeal section 2554a-18 Kentucky Statutes, 1930, Carroll's Edition, being section 18 of Chapter 33 of the Acts of 1922.

H. B. 218. An Act relating to intoxicating liquors and to repeal Section 2554a-17, Kentucky Statutes, 1930, Carroll's Edition, and being section 17 of Chapter 33 of Acts of 1922.

S. B. 351. An Act to authorize the State Librarian to furnish without cost to the Library of the University of Kentucky certain duplicate public documents and books when authorized by the trustees to do so.

The Senate took up for consideration from the Orders of the Day a bill which originated in the House of Representatives of the following title:

H. B. No. 279. An Act to repeal and re-enact Chapter 76 of the Acts of one thousand nine hundred and thirty entitled "An Act regulating the transportation by motor vehicles of all officers and employees of the State of Kentucky, excepting the governor and lieutenant-governor and providing for the payment of the traveling expenses by motor vehicles of all

officers and employees of the State of Kentucky, and providing for the future use and sale of all motor passenger vehicles now owned by the State of Kentucky and repealing all laws and parts of laws provided for the purchase of motor passenger vehicles for use of State officers and employees, excepting the governor and lieutenant-governor, providing a penalty for a violation thereof and declaring an emergency to exist," and providing for the purchase and operation of motor passenger vehicles for the use of the State Highway Commission of Kentucky and the employees thereof, and declaring an emergency to exist.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Chapter 76 of the Acts of one thousand nine hundred and thirty of the General Assembly of the State of Kentucky be, and the same is hereby repealed and re-enacted so that as when re-enacted it will read as follows: "That no part of any money or revenue hereinafter paid into the State Treasury of the Commonwealth of Kentucky, shall be used or expended for the purchase of any motor passenger vehicle for the use of any officer of the Commonwealth of Kentucky or any member, agent or employee of any Board or Commission created by the laws of the Commonwealth of Kentucky, or for the use of any person or persons directly or indirectly engaged in performing any services in behalf of the Commonwealth of Kentucky, other than the Governor and the Lieutenant-Governor when acting as the Governor of the Commonwealth of Kentucky, and the State Highway Commission of Kentucky and its employees.

§ 2. That it shall be unlawful for the State Treasurer, the Auditor of Public Accounts, officer or member of any board or commission created by the laws of the State of Kentucky, or any other State officer of the Commonwealth of Kentucky to purchase or contract for the purchase of any motor passenger vehicle on behalf of or for the account of the Com-

monwealth of Kentucky, except for the use of the Governor and the Lieutenant-Governor of the Commonwealth of Kentucky when acting as the Governor and the State Highway Commission of Kentucky and its employees, and it shall be unlawful for any payments to be made out of any State funds or revenues for such purpose, other than for the purchase of necessary motor passenger vehicles for the use of the Governor and the Lieutenant-Governor when acting as the Governor of the Commonwealth of Kentucky and the State Highway Commission and its employees.

§ 3. When any officer, member of any board or commission of the Commonwealth of Kentucky, or any subordinate officer, agent or employee thereof is authorized under the laws of the State of Kentucky to and does, in the discharge of his or her official duties, incur any expense incident to traveling in motor vehicles personally owned by such officer, member, agent or employee, such expense shall not exceed five cents per mile, over the nearest traveled route over which such officer, member, agent or employee has traveled in the discharge of such official duty in his or her personally owned motor vehicle, which sum of five cents shall include an allowance of one cent per mile for depreciation and investment charges incident to the operation of such motor vehicle, and such expense shall be paid in the manner now provided by law for the payment of expenses of State officials and employees of the State of Kentucky, provided, however, that in no event shall any sum be allowed or paid by the Auditor of Public Accounts of the State of Kentucky for the expenses in traveling motor vehicles, incident to the performance of official duties, in excess of the actual expenses so incurred by such official or employee.

§ 4. Nothing in this act contained shall be construed as prohibiting the operation during the years 1930 and 1931 by State officers, members of boards and commissions and agents and employees thereof, of motor passenger vehicles heretofore purchased by State funds and now owned by the State of Kentucky, provided, such motor passenger vehicles shall be used exclusively for the performance of official duties and no

claims for expenses incident to the operation thereof shall be allowed or paid in excess of the actual cost of operation thereof, which shall not exceed four cents per mile for each mile traveled in the performance of official duties.

§ 5. On or before January 1, 1932, all motor passenger vehicles theretofore purchased by the Commonwealth of Kentucky or any board or commission created by the laws of the Commonwealth of Kentucky, other than such motor passenger vehicle as may be in the use of the Governor and Lieutenant-Governor of the Commonwealth of Kentucky and the State Highway Commission of Kentucky and its employees, shall be delivered to the Sinking Fund Commission or its agent designated for such purpose, by the board, commission, officer, agent or employees having the custody thereof, and thereafter it shall be unlawful for any person whomsoever, other than the Governor and Lieutenant-Governor of the Commonwealth of Kentucky and the State Highway Commission of Kentucky and its employees to use or operate any passenger motor vehicle owned by the Commonwealth of Kentucky.

On or before February 1, 1932, the Sinking Fund Commission of the Commonwealth of Kentucky, shall advertise and sell all motor passenger vehicles belonging to the Commonwealth of Kentucky, other than such as may be in the use of the Governor and Lieutenant-Governor and the State Highway Commission of Kentucky and its employees, and the proceeds derived from the sale thereof shall be paid into the Sinking Fund of the Commonwealth of Kentucky and disbursed in payment of the existing indebtedness of the Commonwealth of Kentucky.

§ 6. Nothing in this Act contained shall be construed as in any manner limiting the powers of the State Highway Commission or any other board or commission created by the laws of the Commonwealth of Kentucky, to purchase and operate motor vehicles other than motor passenger vehicles.

§ 7. Any person violating any of the provisions of this

Act shall be guilty of a misdemeanor and shall be fined not less than fifty dollars and not more than five hundred dollars for each offense.

§ 8. Nothing in this Act contained shall be construed as in any manner limiting or preventing the powers of the State Highway Commission of Kentucky to purchase and operate passenger motor vehicles in the conduct of the affairs of the State Highway Department of Kentucky. Provided, however, that no automobile purchased for said department, shall cost in the aggregate more than $800.00.

§ 9. All laws and parts of laws in conflict herewith are hereby repealed.

§ 10. It being imperative for the efficient and economical conduct of the State Highway Department of the State of Kentucky that passenger motor vehicles be purchased and operated by the State Highway Commission of Kentucky and the employees thereof, an emergency is declared to exist and this Act shall become effective from and after its passage by the General Assembly of the Commonwealth of Kentucky.

Ordered that said bill be read the third time.

Senator Gaines moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Wm. Isaacs | Dr. G. W. Ragan |
| W. W. Booles | Alex E. Johnson | O. M. Rogers |
| H. M. Brock | Frank I. Lloyd | R. H. Royster |
| Edwin C. Dawson | C.T.McCormick,Sr. | Dr. Lewis Ryans |
| Thos. C. Ferguson | Wm. Mehler | E. D. Stephenson |
| Walter N. Flippin | E. C. Moore | Thos. O. Turner |
| Perry B. Gaines | Ray B. Moss | Sewell B. Williams |
| Arch Hamilton | D. C. Naive | W. A. Yates |
| Robert Humphreys | Marion F. Pogue | Gates F. Young |

—27

Those who voted in the negative were:

J. M. Rose —1

Resolved that the title thereof be as aforesaid.

Senator Gaines moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the House of Representatives of the following title:

H. B. 102. An Act to further amend an Act entitled, "An Act for the government of cities of second class in the Commonwealth of Kentucky," which was approved March 19, 1894, and thereafter in due course became a law and as same has since been amended, all of which said Act and amendments now appear as Article 3 of Chapter 89, Kentucky Statutes.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION I.

That an Act entitled, "An Act for the government of cities of the second class in the Commonwealth of Kentucky," which was approved March 19, 1894, and thereafter in due course became a law and as same has since been amended, all of which Act and amendments now appear as Article 3 of Chapter 89 of the Kentucky Statutes, be and the same is hereby amended by adding thereto the following:

A.

Any city of the second class under the laws of the Commonwealth of Kentucky may become organized and be governed under the provisions of this Act by proceeding as hereinafter provided. Organizing under this Act shall not change the corporation entity of any such city and all laws applicable to and governing cities of the second class and not inconsistent to the provisions of this Act shall continue to apply to and govern every city that may organize under this Act. All by-laws, ordinances and resolutions in force in any such city and not inconsistent with the provisions of this Act shall continue to be in force until altered or repealed in manner provided for herein.

B.

It shall be the duty of the County Judge in the county in which is located the city proposing to take the sense of its voters as herein provided upon the question of organizing and being governed under this Act, by the application of written petition signed by a number of the legal voters of said city equal to 25% of the votes cast in said city at the last preceding general election, to receive said petition and at the next regular term thereafter to make an order on his order book directing an election to be held in said city at the next regular election and not earlier than sixty days after said application is lodged with the said Judge, which order shall direct the sheriff or other officer of said county who may be appointed, to hold said election, to open the polls at each and all of the voting places in said city for the purpose

of taking the sense of the qualified voters of said city upon the question as to whether or not the citizens in said city are in favor of the organization and government of said city under the provisions of this Act. The question to be submitted to the voters shall be—"Are you in favor of the organization and government of the city of ..... (naming the city in which said vote is to be taken) under the provisions of an Act entitled, 'An Act to further amend an Act entitled, "An Act for the government of cities of second class in the Commonwealth of Kentucky," which was approved March 19, 1894, and thereafter in due course became a law and as same has since been amended, all of which said Act and amendments now appear as Article 3 of Chapter 89, Kentucky Statutes, which was adopted by the General Assembly of the Commonwealth of Kentucky at the session of 1932?' "

It shall be the duty of the county clerk to give to the sheriff of the county, or to such officer as may be appointed to hold said election, a certified copy of the order of the county court as it appears on the order book, within five days after such order is made; and it shall be the duty of said sheriff or other such officer to have said order published in some daily or weekly newspaper published or circulated in said county for at least two weeks before the election and also to advertise the same by printed or written notices posted in conspicuous places in said city for the same length of time. If there is no daily or weekly newspaper published in said city or if the proprietor of said paper refuses to publish such notices, the printed or written hand bills provided for shall be sufficient notice. The sheriff or other such officer shall have the advertisement and notices herein provided for posted as herein required within seven days after he receives the order of the county court aforesaid. All elections provided for in this Act, except the primary elections, shall be held on the regular election day by the regular election officers.

The canvassing board having authority to canvass the election returns for elections held within said city and county

shall canvass the returns of said election and shall correctly certify the result of said elections showing the total number of votes cast for and the total number of votes cast against said proposition, which certificate shall be delivered to the clerk of the county court, and a copy thereof delivered to the clerk of the city; and at the next regular term of said county court the county judge shall cause said certificate to be spread on the order book of said court, and the entry of said certificate in the order book or copy thereof, shall be prima facie evidence of the facts therein contained, and shall be conclusive evidence of said election and the result thereof.

If a majority of the votes cast at said election shall be in favor of organizing and governing the city under the provisions of this Act, a certified copy of the certificate of said canvassing board shall be spread upon the records of said city at the next regular meeting of its Board of Commissioners or City Council. Thereupon said city shall be organized and governed by the provisions of this Act. But failure on the part of any of said ministerial officers to perform their duties as required in this section shall not prevent the organization and government of said city under the provisions hereof.

C.

All the present city officers save those of mayor and police judge, shall at the expiration of that year which shall next follow the year in which said election is held be ipso facto abolished, if the vote at said election shall be in favor of the organization and government of the city under this Act. Provided, however, that the commissioners or other officers then or theretofore elected by the people shall continue in office and administer the government of such city until the expiration of the terms for which they were elected; and provided further that elections under this Act shall not be held in the same year that the mayor or police judge is elected.

D.

At the regular city election in the year next following the

year in which the election is held, pursuant to Section B hereof, there shall be elected by the qualified voters of said city two commissioners who shall serve for a period of two years each respectively, and such election for commissioners shall be held biennially; and at each alternate election for commissioners there shall be elected a mayor or police judge. Said commissioners shall serve each for a term of two years. Said mayor and police judge shall serve each for a term of four year. The mayor, police judge and commissioners shall be nominated and elected from the city at large and as herein prescribed.

E.

No person shall be elected without first having been nominated in the manner hereinafter prescribed. On the third Saturday before the day for the regular election there shall be held a primary election. Said primary election shall be conducted by the same officers chosen and acting in the same manner, with the same rights and duties, as in the later regular election.

Each applicant for nomination shall, at least ten days before the day for said primary election, file with the county clerk a petition signed by at least one hundred voters and in the following form:

"We, the undersigned, qualified voters of the city of ..... (naming it), and residing each at the place indicated opposite his name signed hereto, do hereby request that the name of ..... (naming the applicant) be placed on the ballot as that of an applicant for nomination for the office of ..... (naming the office sought), at the primary election to be held in our city on the third Saturday before the next regular election. We know the applicant to be a qualified voter of the city and a man of good character; and he is, in our judgment, qualified for the duties of the office sought by him."

| Names | Numbers | Streets |
|---|---|---|
| ..... | ..... | ..... |
| ..... | ..... | ..... |
| ..... | ..... | ..... |

Such petition shall be verified by the affidavit of some person or persons as to the genuineness of the signatures and addresses of the signers.

No voter shall sign more than one such petition with reference to each office that is to be filled. In the event that a person shall sign more than one petition of applicants for nomination for mayor or police judge or shall sign the petitions of more than four applicants for nomination for commissioners, then the name of said petitioner shall not be counted as a valid name on any of said petitions.

Immediately upon the expiration of the time for filing such petitions the said county clerk shall cause to be published for three successive days in the official newspaper of the city, and in such other papers as he may designate, in proper form, the names of the persons as they will appear upon the primary ballots; and the said clerk shall thereupon cause the primary ballots to be printed, authenticated with a fac simile of his signature. Provided, however, that immediately upon the expiration of the time of filing such petitions, if it should appear that there are only two applicants for nomination for mayor or police judge, and only four applicants so nominated by such petitioners for commissioners, such two applicants for mayor or police judge and such four applicants for commissioners, as the case may be, shall be thereupon nominated and the names of such nominees shall not be placed upon the primary ballot for such primary election, and no primary election shall be held for nomination for such offices; but the county clerk shall cause the names of such applicants to be placed on the regular ballot for the general election.

Upon said ballots the names of said applicants for each nomination shall be placed in alphabetical order, with a square at the right of each name, and above the names of the applicants for nomination for mayor or police judge, as the case may be, shall be printed the words, "Vote for one," and above the names of the applicants for nomination for com-

missioners shall be printed the words, "Vote for two." The ballots shall contain no party designation or emblem of any kind, nor any sign indicating any applicant's political belief or party affiliation.

Having caused said ballots to be printed, the said county clerk shall cause to be delivered at each polling place a number of said ballots equal to twice the number of votes cast in such polling precinct at the last preceding general municipal election for mayor. The persons who are qualified to vote at the general municipal election shall be qualified to vote at such primary election, and the law applicable to challenges made at a general municipal election shall be applicable to challenges made at such primary election.

At such primary election the two applicants receiving the highest number of votes for nomination for mayor or police judge, as the case may be, shall be thereby nominated; and the four applicants receiving the highest number of votes for nominations for commissioners shall be thereby nominated.

F.

At the regular election held under this Act the names of the nominees who shall be selected by the primary or who shall be certified by the county clerk, as herein provided, shall be placed in alphabetical order upon ballots differing from those used in the nomination only in that said regular election ballots shall contain only the names of the successful nominees and said ballot shall contain the heading, "CITY BALLOT." The nominee receiving the greater number of votes cast for mayor or police judge, and the two nominees receiving the greater number of votes cast for commissioners shall be declared elected respectively and certificates of election issued accordingly.

G.

Every fourth year after the election at which a mayor

and two commissioners shall be elected, and every fourth year after the election at which a police judge and two commissioners are elected, a primary election and a regular election shall be held in the same manner for said offices. Any legal voter not less than 25 years of age and possessing the other qualifications prescribed by law shall be eligible to election to any office under this Act.

H.

The mayor shall be elected for a term of four years beginning on the first Monday in January following his election, and he shall receive an annual salary of $4,000.00; and said two commissioners shall be elected for a term of two years beginning on the first Monday in January following their election and each commissioner shall receive an annual salary of $3,600.00.

I.

The mayor and two commissioners shall constitute a board of commissioners. In this board of commissioners shall be vested all the legislative, executive and administrative power of the city save as herein otherwise provided. Two members of the board of commissioners shall constitute a quorum, but the affirmative vote of at least two members shall be necessary to the adoption of any motion, resolution or ordinance or the making or approval of any contract or the passage of any measure.

Upon each vote the yeas and nays shall be recorded and every motion, resolution and ordinance shall be reduced to writing and read before the vote is taken thereon. The mayor shall preside at meetings of the board, but he shall have no veto power. Every resolution, measure or ordinance and all contracts shall be signed by him or by the two commissioners and recorded before it shall take effect. The board of commissioners shall at the beginning of its term of office elect by a majority vote one commissioner to act as mayor pro tem, and the commissioner so chosen shall be vested with all the

power and shall perform all the duties of mayor in the event of his absence from the city or his inability to attend the duties of his office.

J.

Every ordinance or resolution ordering the construction or reconstruction of any street or sewer, or making or authorizing any contract involving the expenditure of more than one thousand dollars ($1,000.00) or granting any franchise or the right to use or occupy the streets, highways, bridges, or public places of the city for any except a merely temporary purpose shall after its introduction and before its adoption remain on file at least one week for public inspection in the completed form in which it shall be put upon its final passage; and no such ordinance or resolution shall go into effect until the expiration of ten days after its passage, except in case of emergency the public health or safety shall require that it take immediate effect, which fact shall be declared by the unanimous vote of the board of commissioners.

K.

The board of commissioners shall meet at least once a week for the transaction of its business. It shall fix by ordinance the times of holding its regular meetings. Any special meeting may be called by the mayor or by two commissioners. All meetings shall be public.

L.

The administrative functions of the city shall be classified under three departments, as follows:

1. Department of Public Affairs;
2. Department of Public Finance;
3. Department of Public Works.

M.

The board of commissioners shall determine the functions

of each department, and shall prescribe the duties of its commissioner and of his employees. It may assign any employee to one or more departments or require any employee to perform duties in two or more departments. It shall make all such rules and regulations as to the conduct of the various departments as may be necessary and proper for the efficient and economic conduct of the business of the city.

N.

The mayor shall be the commissioner of the department of public affairs and shall have a general advisory supervision of the affairs of the other departments. The board of commissioners shall at its first regular meeting designate by majority vote one commissioner to have superintendence of the department of public finance and one commissioner to have superintendence of the department of public works.

O.

The board of commissioners shall also at its first meeting, or as soon thereafter as may be practicable, appoint all such employees as may be necessary for the proper and efficient conduct of the affairs of the city.

All such employees shall be agents, not officers of the city; and they shall perform such duties and for such compensation as the board of commissioners may by ordinance prescribe. Each employee shall be selected with reference solely to his fitness and for the good of the public service (without reference to his political faith or party affiliation) and the board of commissioners shall adopt such rules and regulations looking to the appointment and discharge of employees as will tend to carry out the spirit of this provision and lead to the establishment of the merit (system) in public service.

P.

The board of commissioners shall at the termination of each month of the fiscal year cause to be printed in the official newspaper an itemized statement of all receipts and expenses of the city during the month.

At the termination of each fiscal year the board of commissioners shall cause one or more competent accountants to make a complete examination of the books and accounts of the city, and shall cause the result of such examination to be published in the official newspaper and in pamphlet form, and a copy of the report in pamphlet form to be given to each voter who may apply for same at the proper office.

Q.

In case of the death, resignation, or inability of the mayor, causing a permanent vacancy in said office, the mayor pro tem shall act as mayor and shall possess all the rights and powers and perform all the duties of the mayor and receive his salary, under the official title, however, of mayor pro tem, until such vacancy in the office of mayor is filled by an election ordered by the board of commissioners for that purpose, at which time the mayor pro tem, if his term as commissioner be then unexpired, shall resume his duties as such commissioner.

In the event that any commissioner shall for more than thirty days be necessarily absent from the city, or for the same period shall be unable from sickness or other cause to discharge the duties of his office, or in the event the mayor pro tem shall be filling the office of mayor, as contemplated above, for such period, the board of commissioners may fill such office temporarily by appointment, and said appointee shall discharge the duties of the commissioner whose place may thus be temporarily filled until such commissioner shall return or become fit for and resume his duties, and any such temporary appointee shall serve without compensation.

In the event of a permanent vacancy in the board of commissioners caused by the death, resignation or inability of any member thereof, or in the event a permanent vacancy in the office of mayor shall be filled by the mayor pro tem, such vacancy shall be filled by appointment by the other members of the board until the vacancy shall be filled by the election of a successor at the next regular election of munici-

pal officers, as is prescribed by law, and such temporary appointee shall, for the time he serves as such, receive the salary of the commissioner whose place he has been appointed to fill.

A vacancy shall exist when any elective officer fails to qualify within ten days after notice of his election, or dies (or resigns), or moves his domicile outside the city, or remains outside the city for a period of six months, or is convicted of a felony, or is judicially declared insane, or is removed from office in any manner.

R.

In case of misconduct, inability, or wilful neglect in the performance of the duties of his office, the mayor or any commissioner may be removed from office by a unanimous vote of the other members of the board of commissioners. But no such officer shall be so removed without having been given the right to have a full public hearing with representation by counsel and with witnesses summoned in his behalf and required to testify. The findings of fact at such hearing, and the reasons for any such removal, shall be stated in writing and filed as matter of public record.

S.

If during the ten days next following the passage of any such ordinance as cannot within said ten days become effective, a petition signed by a number of voters equal to at least twenty-five per centum (25%) of the total number of votes cast for both candidates for mayor at the last preceding regular election for mayor, stating the residence of each signer, and verified as to signatures and residences by the affidavits of some one or more persons, shall be presented to the board of commissioners, protesting against the passage of such ordinance, such ordinance shall be suspended from going into effect, and shall be reconsidered by the board of commissioners. If such ordinance be not then repealed, the board shall submit to the voters of the whole city at either a special or a regular election according to law, the following question:

"Shall the ordinance (briefly describing it), go into effect?" and if a majority of the votes cast upon such question be in the negative the ordinance shall not go into effect. But if the majority of the votes cast upon such question be in the affirmative the ordinance shall go into effect as soon as the result is officially ascertained and declared.

T.

If a petition signed by a number of voters equal to at least twenty-five per centum (25%) of the total number of votes cast for both candidates for mayor at the last preceding regular election for mayor, stating the residence of each signer, and verified by affidavits of some one or more persons as to the signatures and residences, requesting the board of commissioners to pass an ordinance therein set forth—if such petition be presented to the board of commissioners, and if the ordinance therein requested to be passed be one that the board has a legal right to pass, then the board shall either pass such proposed ordinance without alteration, within ten days after such petition is filed, or submit the question of its passage to the voters of the city at the next regular election. At such election the question submitted shall be: "Shall the proposed ordinance (briefly describing it), be passed?" If a majority of the votes cast upon said question be in the affirmative, the proposed ordinance shall be thereby passed, and shall become effective as soon as the result is officially ascertained and declared. Any such ordinance shall not be amended or repealed except by the voters at a regular biennial city election. Any number of proposed ordinances requested by petition as above provided for may be voted on at any election.

The board of commissioners may submit the question or the repeal or amendment of any such ordinance to the voters at any succeeding regular city election; and if a majority of the votes cast on such question be in favor of the repeal or amendment, such ordinance shall be thereby repealed, or amended, as the case may be.

U.

Whenever a question of passage of a proposed ordinance, or of the going into effect, or the repeal, or the amendment of an ordinance is to be submitted to the voters at an election, the board of commissioners shall cause the proposed ordinance or ordinances, or the ordinance and amendment, as the case may be, to be printed once in the official newspaper of the city, and in such other newspaper as the board of commissioners may direct, before such election.

V.

The expense of all primary elections under the provisions of this Act shall be paid by the city.

W.

The mayor and each commissioner shall execute a bond to the city, upon which an action may be maintained by any person or persons, interested in the keeping of the covenants therein contained, in the penal sum of ten thousand dollars ($10,000.00), conditioned upon the faithful performance of his official duties, such bonds to be approved by the county judge, and filed as matters of public record.

X.

Nothing herein shall be construed to apply to the organization, existence, or conducting the affairs, of the Board of Education.

Ordered that said bill be read the third time.

Senator McCaw moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Wm. Isaacs | O. M. Rogers |
| W. W. Booles | L. C. Littrell | J. M. Rose |
| H. M. Brock | Frank I. Lloyd | R. H. Royster |
| Edwin C. Dawson | Rev. C. D. McCaw | Dr. Lewis Ryans |
| Dr. T. J. Edge | C.T.McCormick,Sr. | E. D. Stephenson |
| Thos. C. Ferguson | Wm. Mehler | Joe Stewart |
| Walter N. Flippin | H. C. Moore | Thos. O. Turner |
| Chas. G. Franklin | Ray B. Moss | Fred C. VanHoose |
| Perry B. Gaines | D. C. Naive | Sewell B. Williams |
| Arch Hamilton | Marion F. Pogue | Gates F. Young |
| Robert Humphreys | Dr. G. W. Ragan | —32 |

Resolved that the title thereof be as aforesaid.

Senator McCaw moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the House of Representatives of the following title:

H. B. 270. An Act to amend and re-enact Chapter 19 of the Acts of 1920, approved by the Governor March 16, 1920, entitled, "An Act imposing a license tax on race tracks at which races are run for purses or prizes under the jurisdiction of the Kentucky State Racing Commission, and which license tax is in lieu of all other license, income, excise, special or

franchise tax of the State of Kentucky, or any county, city, town, municipality or other political subdivision thereof."

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Chapter 19 of the Acts of the General Assembly of 1920, approved March 16, 1920, be and the same is hereby repealed and re-enacted so that said Act when amended and re-enacted shall read as follows:

§ 2. That every person, firm, association, or corporation engaged in the business of conducting a race track, at which races are run for purses or prizes, under the jurisdiction of the State Racing Commission, shall pay to the State of Kentucky a license tax therefor, as follows:

§ 3. Any race track within twenty (20) miles of a city of two hundred thousand (200,000) population located within or without the State of Kentucky, shall pay for each day upon which races are run a license tax of twenty-five hundred ($2,500.00) dollars per day, and any track situated more than twenty (20) miles from a city of two hundred thousand (200,000) population located within or without the State of Kentucky, shall pay for each day upon which races are run a license tax of five hundred ($500.00) dollars per day.

§ 4. It shall be the duty of every person, firm, association, or corporation engaged in the business of conducting a race track, to furnish to the Auditor of Public Accounts on or before December 1 of each year, a true report of the number of days on which races were run on the said race tracks during the year, and at the same time pay to the Auditor of Public Accounts the correct amount due to the State of Kentucky, by said race tracks at the rate per day above fixed and provided.

§ 5. The license tax herein imposed shall be in lieu of

all other license, income, excise, special or franchise tax to the State of Kentucky, or any county, city, town, municipality or other political subdivision thereof; and no county, city, town, municipality or other political subdivision of the State of Kentucky shall be authorized or empowered to levy or impose any license, income, excise, special or franchise tax on any such person, firm, association, or corporation engaged in the business of conducting a race track at which races are run for purses or prizes under the jurisdiction of the State Racing Commission, or on the operation or maintenance of any pari-mutuel machine or similar device, or on the sale of any commodity or merchandise during the running of races thereon or at any such race tracks by any person, firm, association, or corporation.

§ 6. All laws and parts of laws in conflict herewith are hereby repealed.

§ 7. Whereas certain race tracks in this Commonwealth will be unable to operate in the Spring of 1932 under the law as it existed before the amendment herein proposed, unless relief is granted to them, and

Whereas, it is to the interest of the breeding industry of this Commonwealth to have race meetings in the Spring of 1932,

Now, therefore, an emergency is hereby declared to exist, and this Act shall take effect from and after its passage and approval by the Governor.

Ordered that said bill be read the third time.

Senator Hamilton moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| W. W. Booles | Silas Jacobs | Dr. G. W. Ragan |
| H. M. Brock | Alex E. Johnson | O. M. Rogers |
| Edwin C. Dawson | L. C. Littrell | J. M. Rose |
| Dr. T. J. Edge | Frank I. Lloyd | Dr. Lewis Ryans |
| Thos. C. Ferguson | Rev. C. D. McCaw | E. D. Stephenson |
| Walter N. Flippin | Wm. Mehler | Joe Stewart |
| Chas. G. Franklin | E. C. Moore | Sewell B. Williams |
| Perry B. Gaines | Ray B. Moss | W. A. Yates |
| Arch Hamilton | D. C. Naive | Gates F. Young |
| Wm. Isaacs | Marion F. Pogue | —28 |

Those who voted in the negative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | C.T.McCormick,Sr. | Fred C. VanHoose |
| Robert Humphreys | Thos. O. Turner | —5 |

Resolved that the title thereof be as aforesaid.

Senator Hamilton moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. B. 400. An Act to provide for the appointment of a County Superintendent of Schools in counties containing

cities of the first or second class, and describing his term of office, qualifications, duties and salary, and repealing all laws or parts of laws in conflict herewith.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. The County Board of Education of each county containing cities of the first or second class shall appoint, on the first Monday in January, 1933, a County Superintendent of Schools for a term of not more than four years next succeeding his appointment, and he shall hold office until his successor has been appointed and qualified. No person thus appointed shall be eligible to the office who does not hold a proper certificate in scholarship, administration and supervision, as provided by law, provided that all County Superintendents of Schools in counties containing cities of the first or second class holding office at the time that this Act shall take effect shall continue to serve to the end of the term for which they were originally appointed and until their successors are appointed and qualified, unless removed as provided by this Act, and he shall be eligible for reappointment.

The County Superintendent of Schools shall devote his entire time to the public school business and shall receive such compensation as the County Board of Education shall direct to be paid from the county school funds in monthly installments, provided that no County Superintendent of Schools appointed to office under the provisions of this section shall be paid a salary of less than twelve hundred dollars ($1,200.00) per year. In case of vacancy due to any cause the County Board of Education shall fill the vacancy and the appointment shall be for the unexpired term, and until his successor shall have been appointed and qualified.

The County Superintendent of Schools, as executive officer of the County Board of Education, shall see that the

laws relating to the schools, the by-laws, rules and regulations of the State Board of Education, and regulations and policies of the County Board of Education are carried into effect.

The County Superintendent of Schools shall recommend for condemnation, school buildings which are unsanitary and unfit for use. He shall recommend the repairs, the purchase of grounds, school sites and grounds, the sale of the same, and shall cause to be prepared all plans and specifications for remodeling of old buildings, provided that the plans and specifications for any and all buildings to be erected in said county shall be submitted to the State Superintendent of Public Instruction or his agent for approval.

The County Superintendent shall approve in writing all contracts, of any kind, entered into by the County Board of Education, and no contract entered into by the County Board of Education without the written approval of the County Superintendent of Schools shall be valid.

The County Superintendent of Schools shall be the representative of the State Superintendent of Public Instruction in all examinations for teachers' certificates, conducted within the county and shall perform such duties connected therewith as may be required by law.

§ 2. All laws or parts or laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

Senator Hamilton moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The Constitutional provision as to the third reading of

said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| W. W. Booles | Alex E. Johnson | Marion F. Pogue |
| H. M. Brock | L. C. Littrell | O. M. Rogers |
| Dr. T. J. Edge | Frank I. Lloyd | J. M. Rose |
| Walter N. Flippin | C.T.McCormick,Sr. | R. H. Royster |
| Perry B. Gaines | Wm. Mehler | Dr. Lewis Ryans |
| Arch Hamilton | E. C. Moore | E. D. Stephenson |
| Robert Humphreys | Ray B. Moss | Fred C. VanHoose |
| Wm. Isaacs | D. C. Naive | Gates F. Young |

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Those who voted in the negative were:

Dr. G. W. Ragan —1

Resolved that the title thereof be as aforesaid.

Senator Hamilton moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 99. An Act to define, license, and regulate the business of making loans or advancements in the amount or of the value of three hundred dollars ($300) or less, secured or unsecured, to individuals pressed by lack of funds to meet immediate necessities, at a greater rate of interest, discount, consideration, or charge than six per centum (6%) per annum, prescribing the rates of interest and charges therefor and pen-

alties for the violation thereof, regulating the assignment of wages or salaries, earned or to be earned, when given as security for any such loan or as consideration for a payment of three hundred dollars ($300.00) or less, providing for the administration of this act, authorizing the making of examinations and investigations and the publication of reports thereof, providing for a review of decisions and findings of the Banking Commissioner under this act, and repealing so much of Section 4224A, Carroll's Kentucky Statutes (1930) as applies to persons licensed under this act, and limiting the application of Sections 2218 and 2219, Carroll's Kentucky Statutes (1930) and repealing all acts and parts of acts in conflict with the provisions of this act.

Senator Rogers moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 1. An Act authorizing, regulating and governing the transportation for compensation of persons and property by motor vehicles on public highways; giving the Railroad Commission of Kentucky jurisdiction over such transportation, with authority to fix rates and exercise other powers in connection therewith; providing for the payment of taxes and fees incident thereto; prescribing punishment and penalties; and repealing all laws in conflict herewith.

Senator Holloway moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 101. An Act to further regulate motor trucks, semi-trailer trucks, semi-trailers, and trailers, to enlarge the powers of the State Highway Commission, County Courts, and cities and incorporated towns in respect thereof, to provide for enforcement of the act and penalties for violation thereof, and repealing all laws inconsistent therewith.

Senator Holloway moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 179. An Act enabling cities of the Third Class to acquire, construct, operate and maintain electric light, heat and power plant and to issue revenue bonds of such cities to pay the cost thereof, payable solely from the revenues of such works without the incurrence of indebtedness of said cities.

Senator Gates F. Young moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 176. An Act to repeal Chapter 36 of the Acts of the General Assembly of the Commonwealth of Kentucky of 1930 entitled "An Act relating to education in this Commonwealth and appropriating money from the general fund of the treasury of the Commonwealth to be used for education purposes in connection with the public school system of this Commonwealth and conferring authority and power upon the State Board of Education to supervise and administer the expenditure of money so appropriated, defining the purpose for which

the money so appropriated shall be used, and providing conditions upon which it shall be received; and generally to provide for a more efficient system of public schools in this Commonwealth.

Senator Gaines moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 303. An Act relating to licensing or taxing of vehicles in cities of this Commonwealth of the second, third, fourth, fifth, and sixth classes used or let for hire, and used by farmers and manufacturers of farm products and delivered by vehicles not for hire in cities of the second, third, fourth, fifth or sixth classes.

Senator Gaines moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

H. B. 292. An Act setting out the qualifications of members of boards of education in the Commonwealth of Kentucky:

Senator Booles moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

Senator Ryans moved that the Senate recess until 1:30 o'clock P. M.

Said motion was agreed to.

The Senate reconvened at 1:30 o'clock P. M.

Senator Ryans moved that the Senate recess until 3:00 o'clock P. M.

Said motion was agreed to.

The Senate reconvened at 3 o'clock P. M.

Senator Holloway moved that the privileges of the floor be extended to Mr. Beall Hadden of Mt. Sterling.

Said motion was agreed to.

Senator Yates introduced a bill of the following title:

S. B. 441. An Act providing for the issuance of college elementary certificates; repealing Subsection 2 of Section 4501-7 and Subsection 1 of Section 4636b-2, Carroll's Kentucky Statutes, Baldwin's Revision of 1930 and Subsection 1 of Section 2 of Chapter 37, Acts of the General Assembly of 1930.

To Committee on Kentucky Universities and Normal Schools.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. A college elementary certificate, valid for two years, for teaching in any elementary school of the State, shall be issued by the Superintendent of Public Instruction to any applicant who has filed in his name a transcript certified by the officials of the College of Education, University of Kentucky, or the State Teachers College, or any other standard college, showing that he has earned in residence at least 32 semester hours of prescribed and elective standard college credit; at

least six of the 32 semester hours standard college credit shall have been earned in teachers' professional courses. This certificate shall be eligible for renewals, before or after its expiration, of two years each upon filing of an official transcript showing that the holder has earned at least 16 semester hours of prescribed and elective standard college credit since the issuance of said certificate or since its last renewal, at least 8 of which semester hours shall have been earned in residence in the institution certifying the transcript.

§ 2. Subsection 2 of Section 4501-7 and Subsection 1 of 4636b-2, Carroll's Kentucky Statutes, Baldwin's Revision of 1930, and Subsection 1 of Section 2 of Chapter 37, Acts of the General Assembly of 1930, are hereby repealed.

§ 2. This Act shall become effective and operative as of September 1, 1932.

## ENROLLMENT REPORT

Senator Stewart, of the Committee on Enrollment, reported that they had examined and found correctly enrolled, bills and resolutions which originated in the Senate, of the following titles:

H. B. 162. An Act in relation to the Kentucky State Board of Dental Examiners and to regulate the practice of Dentistry in the State of Kentucky.

H. B. 270. An Act to amend and re-enact Chapter 19 of the Acts of 1920, approved by the Governor March 16, 1920, entitled "An Act imposing a license tax on race tracks at which races are run for purses or prizes under the jurisdiction of the Kentucky State Racing Commission, and which license tax is in lieu of all other license, income, excise, special or franchise tax of the State of Kentucky, or any county, city, town, municipality or other political subdivision thereof."

H. B. 212. An Act to make it compulsory for the owners of all trucks used for the purpose of hauling livestock, in the

Commonwealth of Kentucky, to have the name of the owner or owners of said trucks painted on both sides and on the rear of said trucks, in letters five inches high and providing a penalty for the violation thereof.

H. B. 90. An Act to amend and re-enact Chapter 29 of the Acts of the General Assembly of the Commonwealth of Kentucky of 1928 approved March 20, 1928, which was: An Act relating to fines and forfeitures in courts inferior to the circuit court except police courts and fixing the percentum of such fines and forfeitures to be paid to the county and Commonwealth Attorneys, respectively, and repealing Sections 124 and 133, Kentucky Statutes, Carroll's 1915 Edition, and Section 2554a-43, Kentucky Statutes, Baldwin's Supplement to Carroll's 1922 Edition, being Section 43 of Chapter 33 of the Acts of the General Assembly of 1922, to the extent only of the conflict between this Act and of said sections.

Whereupon all other business was suspended; said bills and resolutions were read at length and compared in open Senate, and were found to be correctly enrolled. Thereupon, the President of the Senate, in open session, in the presence of the Senate, affixed his signature to said bills and resolutions.

Ordered that the Enrolling Clerk deliver said bills and resolutions to the House of Representatives.

A message was received from the Governor announcing the following appointments.

Said message reads as follows:

To the Lieutenant-Governor and Senate of Kentucky. Gentlemen:

I have this day appointed Lewis Guthrie and James V. Rouse of Nelson County, Kentucky; W. N. Cox of Jefferson County, Kentucky, and Mrs. Robert Vaughn of Barren County,

Kentucky, as members of the Old Kentucky Home Commission.

The above names are now respectfully transmitted to the Senate of Kentucky for its confirmation.

Your obedient servant,

RUBY LAFFOON,
Governor, Commonwealth of Kentucky.

Said message was referred to the Committee on Rules.

Senator Ryans moved that the Senate do now adjourn.

Said motion was agreed to.

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FRIDAY, FEBRUARY 26, 1932

The Senate was called to order by the President of the Senate, Lieutenant-Governor Albert B. Chandler.

The Senate was opened with prayer by Rev. Dr. Simpson of the Frankfort Church of Nazarene.

The roll of the Senate was called and the following Senators answered to their names:

| | | |
|---|---|---|
| Jas. H. Bondurant | Wm. Isaacs | Marion F. Pogue |
| W. W. Booles | Silas Jacobs | Dr. G. W. Ragan |
| H. M. Brock | Alex E. Johnson | O. M. Rogers |
| Edwin C. Dawson | L. C. Littrell | J. M. Rose |
| Dr. T. J. Edge | Frank I. Lloyd | R. H. Royster |
| Thos. C. Ferguson | Rev. C. D. McCaw | Dr. Lewis Ryans |
| Walter N. Flippin | C.T.McCormick,Sr. | E. D. Stephenson |
| Chas. G. Franklin | Wm. Mehler | Joe Stewart |
| Perry B. Gaines | H. C. Moore | Fred C. VanHoose |
| Arch Hamilton | Ray B. Moss | Sewell B. Williams |
| J. S. W. Holloway | D. C. Naive | Gates F. Young |
| Robert Humphreys | | —34 |

Senator Rose moved that the reading of the Journal be dispensed with and the Journal approved.

Said motion was agreed to.

Senator Ferguson moved that the privileges of the floor be extended to Mr. Rowland Garmon of Smith's Grove.

Said motion was agreed to.

Senator Brock moved that the privileges of the floor be extended to Ex-Senator A. E. Anpier.

Said motion was agreed to.

Senator Flippin moved that the privileges of the floor be extended to Messrs. Pete Crockett, Geo. McKinney and Judge J. S. Cooper of Somerset.

Said motion was agreed to.

Senator Gaines moved that the privileges of the floor be extended to Hon. Jas. N. Kehoe of Maysville.

Said motion was agreed to.

Senator Stewart moved that the privileges of the floor be extended to Messrs. W. C. Stewart, D. W. Smith, E. F. Wilson, W. A. McGuire, Luther Rhea and Miss Price Lee of Frankfort.

Said motion was agreed to.

Bills of the following titles were introduced, referred and ordered printed, as follows, viz:

By Senator Rogers.

S. B. 442. An Act prescribing the qualifications of

County Judges in counties having a city of the first, second, third and fourth class.

To Committee on Kentucky Statutes, No. 1.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

First: That County Judges in counties having a city of the first, second, third or fourth class, elected in 1933 and thereafter, shall be at least twenty-four years of age, a resident of the State of Kentucky for at least two years and of the county from which he is elected for at least one year next preceding his election. No person shall be eligible for the office of County Judge in said counties unless he shall have been a licensed practicing attorney for at least two years.

Second: All acts and parts of acts in conflict herewith are hereby repealed.

By Senator Franklin.

S. B. 443. An Act to amend and re-enact Sections 4619 and 4625, Kentucky Statutes, Carroll's 1930 Edition, relating to the appointment and powers of the State inspector and examiner and his assistants, providing compensation therefor, and fixing penalty for violation of this act.

To Committee on Kentucky Statutes, No. 1.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That Section 4619, Kentucky Statutes, Carroll's 1930 Edition, be and the same is hereby amended and re-enacted so

that, as amended and re-enacted, said section shall read as follows:

The Governor shall, by and with the advice and consent of the Senate, appoint on the first Monday in January, for a period of four years, an officer to be known as the State inspector and examiner. The person so appointed shall be at least thirty years of age and possess all the qualifications of an elector. He shall hold his office for four years from the date of his appointment, and until his successor is elected and qualified. He shall receive an annual salary of three thousand dollars ($3,000.00), payable in the same manner as the salary of the Governor, and shall also receive his necessary traveling expenses when on business connected with the office. His expenses shall be paid upon the warrant of the auditor, when he has filed with the auditor an itemized statement of said expenses, subscribed and sworn to by him and approved by the Governor. The State inspector and examiner may, with the approval of the Governor, employ such assistants and stenographers to assist in the performance of the duties required of him, under the law, as are necessary. The compensation of such assistance and stenographers shall be fixed in advance, by agreement between the State inspector and examiner, the Governor and such assistants and stenographers.

In addition to the salary and compensation herein authorized to be paid, the State inspector and examiner and the Governor may allow to such assistants and stenographers employed hereunder their actual necessary traveling expenses while engaged in the service of the State. Such compensation and expenses herein provided shall be paid upon the warrant of the auditor when there has been filed with him an itemized statement of such salary and expenses, subscribed and sworn to by such assistants and stenographers, and approved by the State inspector and examiner and also approved by the Governor.

That Section 4625, Kentucky Statutes, Carroll's 1930 Edition, be and the same is hereby amended and re-enacted

so that, as amended and re-enacted, said section shall read as follows:

The State inspector and examiner and his assistants shall, at all times, have access to the papers, books and records of any of the asylums, prisons, feeble-minded and eleemosynary institutions, public works and offices that he is authorized to investigate, and they shall have power to issue process and compel the attendance of witnesses before them, and to administer oaths to and compel witnesses to testify in any of the investigations the State inspector and examiner is authorized to make; and, upon the failure of any witness to attend or testify, without legal excuse, he shall be deemed guilty of a misdemeanor, and, upon conviction, fined not exceeding twenty-five dollars ($25.00) for each offense.

By Senator Brock.

S. B. 444. An Act to amend and re-enact Section 1550-18, Carroll's Kentucky Statutes, relating to furnishing of ballots in Primary Elections.

To Committee on Suffrage and Elections.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That Section 1550-18, Carroll's Kentucky Statutes, be and the same is hereby repealed and re-enacted so that said section when repealed and re-enacted, shall read as follows:

Section 1550-18. Number of Ballots. There shall be provided and furnished at each primary nominating election and at such election precinct, seventy-five per cent more official ballots for each political party than the number of votes cast by such political party at the last preceding presidential election, and if a precinct was created since the last presidential

election, the county court clerk shall furnish such number of ballots in such precinct as may be requested by the chairman of the county executive committee or authority of each political party, not exceeding, however, three hundred ballots for each party for each precinct.

In any and all elections in which women are qualified to vote, the clerk shall furnish for such women voters, for each precinct in which the election is held, a number equal to fifty per cent of the entire number of ballots furnished for the male voters in each precinct, and the ballots cast by such women shall be treated in all respects like the ballots cast by the male voters, and deposited in the boxes hereinbefore provided for the respective parties. Provided, however, that in any primary or general election in any county of this Commonwealth, in any County or District in this Commonwealth, the Chairman of either political party or any candidate to be nominated or elected, may designate in writing to the County Court Clerk the number of ballots to be furnished in any precinct in any county and the said Clerk shall furnish the same in accordance with said statement.

By Senator McCaw.

S. B. 445. An Act to make all circuit courts in this Commonwealth, sitting in any county, containing a city of the second class, which are not now courts of continuous session, courts of continuous session for the trial of all cases arising in equity and at common law, and prescribing the practice and procedure therein.

To Committee on Courts and Legal Procedure.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That all circuit courts of this Commonwealth, sit-

ting in any county containing a city of the second class, which are not now courts of continuous session, shall be, on and after the first day of July, 1932, courts of continuous session for the trial of all cases in equity and at common law, except that trials by jury shall be held during the terms provided by law in districts affected by this Act.

§ 2. That all regular terms of court in all such circuit courts shall be held as now provided by law, or as may hereafter be provided by law.

§ 3. That all laws of the Commonwealth now governing courts of continuous session shall govern all such circuit courts as to all cases of equity and at common law, except that trials by jury shall be held during the terms provided by law in the districts affected by this act.

§ 4. That all laws or parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

By Senator Humphreys.

S. B. 446. An Act placing a special privilege tax, in addition to all other taxes, on cigars and/or cigarettes and providing for the collection of same.

To Committee on Kentucky Statutes, No. 1.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. As used in this statute "person" means and includes every individual, firm, association, joint stock company, syndicate and corporation. The term "distributor" means and includes every person who engages in the business of receiving or importing cigars and/or cigarettes and making an original sale or gift of the same in this state. The term "dealer"

means and includes every person, other than a distributor, who engages in the business in this state of distributing and/or selling cigars and/or cigarettes within this state.

§ 2. Every person engaged in distributing and/or selling any of the articles above named in this state shall pay to the state, for the exclusive use of the state, a special privilege tax, in addition to all other taxes, in an amount in the case of cigars equal to 10% of the intended retail sales price of each cigar sold and/or given away by such distributor and/or dealer in this state; and in the case of cigarettes in an amount equal to one-fifth of 1c for each cigarette sold and/or given away by such distributor and/or dealer in this state, unless the intended retail sales price of such cigarette shall be more than one cent, in which event the tax shall be 20% of such intended retail sales price. Said tax shall be paid and the stamps hereinafter provided for affixed by the person having possession and ownership of such cigars and/or cigarettes after the same shall have come to rest in this state and intended to be sold or given away in this state; the words "intended retail sales price" as used in this section, or elsewhere in this act, shall not include the special privilege tax imposed by the terms of this act, it being the express intention that the special privilege tax imposed by the terms of this act shall be, in the case of cigars, 10% of the retail sales price exclusive of the special privilege tax, and, in the case of cigarettes, one-fifth of 1c for each cigarette sold and/or given away by a distributor and/or dealer in this state, unless the intended retail sales price of any such cigarette, exclusive of the special privilege tax, shall be more than 1c, in which event the tax shall be 20% of said retail sales price, exclusive of the special privilege tax, and the tax herein imposed shall not and does not include the special privilege tax as a part of the retail sales price in imposing the same.

§ 3. Such tax shall be paid by purchase from the state tax commission, or anyone under its direction, of stamps of such design and denomination as may be prescribed by said commission; and it shall be the duty of such distributor and/or

dealer to affix to each package of cigars and/or cigarettes a stamp or stamps so purchased and furnished, which stamp so affixed shall evidence the payment of the tax imposed, and such stamps shall be cancelled as soon as they shall be affixed to the package containing such cigars and/or cigarettes, and no stamp of less than one-half of 1c shall be so affixed.

§ 4. The state tax commission is empowered to employ agents to sell the stamps herein required and provided. And such agent, before undertaking to sell any such stamps, shall execute a bond in such sum as the commission shall require with some solvent surety, payable to the Commonwealth of Kentucky, and conditioned to faithfully perform the duties imposed upon him, and to faithfully account for and properly pay over to the state any and all sums due to the state by virtue of his employment, and shall contain such other reasonable conditions as the commission may require.

The state tax commission is empowered to allow any such agent a commission of 2% of the funds received by such agent from sales of stamps made by such agent.

Senator Brock proposed the following resolution:

SENATE RESOLUTION 40

Resolution to commemorate the appearance in Kentucky by the first white man.

Whereas, there was last year held and inaugurated in Kentucky, and a society established known as the Kentucky Mountain Laurel Festival Memorial Committee, to commemorate the entry into Kentucky of the first white explorer, surveyor, building of the first house, planter of the first corn and peach stones (1750), Dr. Thomas Walker, and

Whereas, said committee inaugurated and held, in commemoration of that event the first Kentucky Mountain Laurel Festival, as a fitting tribute and memorial to the memory of the said Dr. Thomas Walker, and

Whereas, it is fitting and proper to keep and preserve the said entry into Kentucky as a historical event and to keep and perpetuate the memory of the said Dr. Thomas Walker in the hearts and minds of the people of Kentucky by the perpetuation and continuance of the said festival, therefore, be it resolved:

That the General Assembly of the Commonwealth of Kentucky hereby endorse and commend the personal efforts of Mrs. Annie Walker Burns, in originating and promoting and establishing the said society or committee and approve the efforts of the said committee in holding the first Kentucky Mountain Laurel Festival and recommend its continuance, annually, in the perpetuation of the said event, and the memory of the said Dr. Thomas Walker, and hereby tender to said committee the best wishes and moral support of the General Assembly of Kentucky, to the end that said Festival may annually be held at some designated point, suitable to said committee in the mountains of Kentucky.

Senator Brock moved the suspension of the rules, and the adoption of said resolution.

Said motion was agreed to.

The question being taken on the adoption of the resolution, it was decided in the affirmative.

Said resolution was adopted.

Senator Ryans introduced a bill of the following title:

S. B. 447. An Act to amend and re-enact Subsection (a) of Section 2739g-2, Kentucky Statutes, Carroll's 1930 Edition, relating to registration by automobile owners or operators, and providing for the enforcement of this Act.

To Committee on Motor Vehicles and Transportation.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Subsection (a) of Section 2739g-2, Kentucky Statutes, Carroll's 1930 Edition, be and the same hereby is amended and re-enacted and as amended and re-enacted shall read as follows: Before the owner or operator of an automobile shall operate or be permitted to operate same, or shall permit the operation of same upon any public highway, such owner shall register with the commission through the clerk in the county in which he resides or in the county in which the automobile is to be operated, making application for such registration to the clerk of such county on a bank to be furnished by the commission through the clerk, which application shall be accompanied by a bill of sale if the application be for registration of a new car, or by exhibiting the owner's registration receipt if such automobile has theretofore been registered, and thereafter he shall register his automobile on or before the first day of January of each and every year. Provided that in so far as the owner is concerned registration with the clerk as required by law shall be deemed to be a registration with the commission; and provided further that if the bill of sale shall be lost, destroyed, defaced, or obliterated, or if the name of the former owner shall be unknown, such facts as may be set forth in one or more affidavits in blank forms to be furnished by the commission, through the clerk, and the commission shall have power to prescribe the nature and scope of the information to be contained in such affidavits, and the number of affidavits which the commission shall require to be filed in any given case, whether duplicate or original, but before any County Court Clerk shall issue a license on affidavit, the sufficiency of the same shall first be approved by the State Tax Commission or its duly authorized agent or representative, who shall be a person other than the County Court Clerk.

Any owner of a motor vehicle who shall operate or permit the operation thereof without having registered the same as provided herein, shall, in addition to the regular registration

fees, pay a penalty of 20% of the amount thereof. When any person shall apply to the clerk for registration and license plates it shall be the duty of the clerk to cause such applicant to answer under oath as to whether the motor vehicle sought to be registered has been operated during the time for which registration is required to be made without license, and it shall be unlawful for the clerk to permit the registration of any motor vehicle or to issue license plates therefor when it shall appear that said motor vehicle has been operated without license except that the applicant shall pay the penalty as herein provided; and it shall be unlawful for the clerk to permit the registration of any motor vehicle without the payment of the penalty, by any applicant who refuses to answer under oath as to whether said motor vehicle has been unlawfully operated without license. The clerk shall be allowed out of such penalties for his services in collecting same, a fee of twenty-five cents (25c) for each motor vehicle upon the registration of which a penalty is collected. When it shall appear by proper affidavit that the applicant for registration has been arrested for violation of the law requiring the registration of motor vehicles the clerk shall pay out of the penalty collected from said applicant two dollars ($2.00) to the arresting officer, unless such arresting officer be an employee of the State Highway Commission or the State Tax Commission. The clerk shall pay over and account for the penalties provided for herein in the same manner and at the same time as he is required to report and pay the registration fees, and failure upon his part to collect such penalties shall not relieve him from the payment thereof.

Every employee of the State Highway Commission and/or the State Tax Commission is when commissioned by the said commission by which he is employed for such purpose, hereby constituted a peace officer for the purpose of enforcing the laws relating to the registration of motor vehicles with power to make arrest for the violation of said laws.

All laws and parts of laws in conflict herewith are hereby repealed.

## COMMITTEE REPORTS

Senator Allie W. Young of the Committee on Kentucky Statutes No. 1, to which had been referred a bill of the following title:

S. B. 212. An Act to provide for the regulation and control of public utilities within the Commonwealth of Kentucky; creating a public service commission, defining its powers and duties, providing for its expenses, including the salaries of commissioners, officers and employees, and creating a fund for that purpose, and providing for the collection thereof; providing for the appointment and removal of commissioners, officers and employees, and defining their powers and duties; transferring the powers of the railroad commission to the public service commission under certain conditions, and otherwise defining the jurisdiction of the public service commission as to certain other utilities now within the jurisdiction of the railroad commission; abolishing the commissioner of motor transportation and transferring the powers and duties of that office to the public service commission; providing penalties for the violation of this Act; and providing for adequate court review.

Reported with expression of opinion that same ought to pass with the following amendment thereto by the way of substitute therefor.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. (a) Public Service Commission Created. There shall be, and there is hereby created a commission to be known as the "Public Service Commission of Kentucky", which is hereby declared to be a body corporate with power to sue and be sued, and in its corporate name, as above designated, to adopt a corporate seal bearing the following inscription: "Public Service Commission of Kentucky", which seal shall be affixed to all writs and official documents, and to such other instruments as the Commission shall direct. All courts shall take judicial notice of said seal.

(b) The Public Service Commission shall consist of three commissioners, who shall be appointed by the Governor, subject to confirmation by the Senate, if in session when such appointment is made; if not in session, then at its next succeeding session.

(c) On or before the first day of July, 1932, the Governor shall appoint three commissioners who shall be citizens and residents of this State. The annual salary to be paid each commissioner shall be $5,000.00, together with his necessary traveling expenses, payable as now provided by law to other officers of the State Government, out of funds hereinafter provided for the operation of this law. Said Commissioners shall immediately thereafter enter upon the discharge of their duties, and shall hold office for one (1), two (2), and four (4) years respectively, from the first day of July, 1932, the term of each to be designated by the Governor; but their successors shall be appointed for a term of four (4) years each, except that any person appointed to fill a vacancy shall serve only for the unexpired term of the commissioner whom he succeeds. They and each of them shall, before entering upon the discharge of their duties, subscribe, and file with the Secretary of State, the constitutional oath of office.

(d) The Governor shall have power to remove any commissioner, or any officer or employee of the Commissioner for incompetency, neglect of duty, immorality, corrupt practice, or for any malfeasance or misfeasance in office, upon due and reasonable notice, and after a hearing before the Governor, at which any such commissioner, officer or employee shall be entitled to be heard in person and by counsel.

(e) The commissioner first appointed to serve four years shall be chairman of the Public Service Commission, and thereafter the commissioner, whose term of office is longest in point of continuous service upon the commission, shall be and act as chairman.

(f) The concurrent judgment of two of the commissioners shall be deemed to be the action of the commission,

when in session as a board, and no vacancy in the commission shall embarrass the right of the remaining commissioners to exercise all of the powers of the commission.

(g) No person while in the employ of or holding any official relation to any public utility, within the meaning of this Act, or holding any stocks, bonds or other securities, either directly or indirectly, or pecuniarily interested therein, either directly or indirectly, shall enter upon the duties of, or hold said office, nor shall any such commissioner be a candidate for or hold public office, or be a member of any political party committee, while acting as such commissioner; nor shall any commissioner or employee of said commission receive any free transportation, or other thing of value, either directly or indirectly, from any public utility within the meaning of this Act. If any of said commissioners shall become a candidate for any public office, or shall become a member of any political party committee, his office as commissioner shall be ipso facto vacated. The taking or receiving, either directly or indirectly by any member of the Public Service Commission, or by any officer or employee thereof, or any rebate, percentage of contract, pass, free transportation, or other thing of value, either directly or indirectly, from any public utility within the meaning of this Act, shall be deemed a felony, and any member of said commission, officer or employee thereof, convicted under this section shall be punished by a fine not to exceed $5,000.00 and by imprisonment in the penitentiary not less than five years nor more than ten years.

§ 2. (a) Subordinates. The public service commission may, subject to approval by the governor, appoint a secretary, a rate clerk, and such other experts, agents, investigators, engineers or other employees and assistants as may be necessary for the powers herein conferred upon the commission, and shall prescribe their respective duties, and fix their compensation, which compensation shall be paid out of the funds hereinafter provided for the operation of this law. Such subordinates shall in addition thereto receive their necessary traveling expenses when engaged on the business of the commission and shall be payable as now provided by law in the

case of other such officers and employees. The commission my transfer officers or employees from their positions to other positions in the service, or abolish or consolidate such positions. The commission may remove from office any officer or employee of the commission for incompetency, neglect of duty, gross immorality, malfeasance or misfeasance in office, corrupt practices, or for other cause affecting the performance or discharge of his duties, and to reduce the number of employees. The commission shall have power to establish, consolidate or abolish divisions or bureaus under its supervision for the purpose of expediting the various branches of the service within its jurisdiction, and for the purpose of making the same more efficient and reducing the expenses of the commission. Each division or bureau and each officer or employee shall be subject to such rules and regulations as the public service commission may from time to time adopt and promulgate for its operation and management.

(b) The secretary shall keep a full and true record of all proceedings of the commission, keep in his custody the files and papers in each proceeding and it shall be his duty to issue all necessary process returns and notices, to keep all books, maps, documents and papers ordered to be filed with the commission and all orders made by the commission, approved and confirmed by it and ordered to be filed. The secretary shall, with each of the commissioners, have power to administer oaths in all parts of the State, so far as the exercise of such power is properly incidental to the performance of his duties or that of the commission.

(c) The general office shall be kept at the Capitol of the State and kept open each working day between the hours of nine o'clock A. M., and five o'clock P. M., in charge of the secretary, or some other competent person, but hearings and the taking of evidence may be had at such times and places within the State and in each particular case, as the commission may designate.

(d) The Attorney General shall be the legal advisor of the Commission, but the Commission may appoint, subject to

the approval of the Governor, a special counsel, to perform services and discharge the duties of attorney to the Commission. Such specially appointed counsel shall receive such salary as may be fixed by the Commission and approved by the Governor, such salary to be paid in the same manner as that of the members of the Commission.

§ 3. Procedure Before the Commission. (a) Complaints. The Commission shall have power to hold a hearing upon its own initiative or upon complaint made by or against a public utility that any of the rates, tolls, charges or schedules, or any joint rate or rates in which such petitioner is directly interested are in any respect unreasonable or unjustly discriminatory; or that any regulation, measurement, practice or act whatsoever affecting or relating to the service of any public utility or any service in connection therewith is in any respect unreasonable, unsafe, insufficient or unjustly discriminatory; or that any service is inadequate or can not be obtained, and in such event the Commission shall proceed with or without notice to make such investigation as it may deem necessary or convenient. But, no order affecting said rates, tolls, charges, schedules, regulations, measurements, practice or act complained of shall be entered by the Commission without a formal public hearing.

(b) Rules for Hearing. All hearings, investigations and proceedings shall be governed by this act and by such other rules of practice and procedure as may be adopted by the Commission.

(c) Process. The Commission and each Commissioner and the Secretary of the Commission shall have power to administer oaths, certify to official acts, issue subpoenas, compel the attendance of witnesses and the production of books, accounts, papers, records, documents and testimony. The Commission may invoke the aid of the Franklin Circuit Court to enforce, by proceedings for contempt, by a mandamus injunction, or other proper proceedings, all of its orders and to compel obedience to summons or subpoena issued by its secretary, the Commission, or any of the commissioners.

(d) Depositions. The Commission, or any commissioner, or the Secretary of the Commission, or any party in the proceedings, may, in any investigation or hearing before the Commission, cause the deposition of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions in civil actions in circuit courts.

(e) Fees. Any witness summoned before the Commission shall receive for his attendance the fees and mileage now provided for witnesses in civil cases in courts of record, which shall be audited and paid by the State in the same manner as other expenses are audited and paid upon the presentation of proper vouchers, sworn to by the witness and signed by the Chairman of the Commission, provided that no mileage fee shall be allowed to a witness who has been furnished with free transportation.

(f) Notice of Complaint, Time for Hearing. The Commission shall, prior to any formal hearing, notify the defendant in such hearing and any other interested party that a complaint has been made, and ten days after such notice has been given the Commission may proceed to set a time and place for a hearing and an investigation as hereinafter provided.

(g) Notice of Hearing. The Commission shall give the complainant and the defendant, if any there be, ten days' notice of the time and place, when and where such hearing and investigation will be held. Both the complainant and the defendant, if any, or any other interested party shall be entitled to be heard and shall have process to enforce the attendance of witnesses.

(h) Separate Hearings. The Commission may, in its discretion, when complaint is made of more than one rate or charge, order separate hearings thereon and may consider and determine the several matters complained of separately and at such times as it may prescribe.

(i) Investigation of Unreasonable Rates. Whenever the Commission shall believe that any rate or charge may be unreasonable or unjustly discriminatory, or that any service is inadequate or can not be obtained or that an investigation of any matters relating to any public utility should for any reason be made, may, on its own motion, summarily investigate the same with or without notice. If, after making such investigation, the Commission becomes satisfied that sufficient grounds exist to warrant a formal hearing as to the matters so investigated, it shall furnish such public utility interested a statement notifying the public utility of the matters under investigation. Ten days after such notice has been given, the Commission may proceed to set a time and place for a hearing and an investigation as hereinbefore set out.

(j) Record of proceedings. A record shall be kept of all proceedings had before the Commission or any commissioner, or any form of investigation had, and all testimony shall be taken down by a stenographer appointed by the Commission, and all parties shall be entitled to be heard in person or by attorney.

(k) Certification of transcript. A transcript of the evidence and proceedings or any specific part thereof on any investigation taken by the stenographer appointed by the Commission, being certified under oath by such stenographer, to be a true and correct transcript of all the testimony on the investigation, carefully prepared by him from his original notes and to be a correct statement of the evidence and proceedings had on such investigation, so purporting to be taken and transcribed, shall be received in evidence with the same effect as if such reporter were present and testified to the facts so certified.

(l) Copies of transcripts furnished. A copy of such transcript shall be furnished, on terms fixed by the Commission, to any party to such investigation.

(m) Rules of Evidence. In the investigation, preparations and hearing of cases, the Commission shall not be bound

by the technical rule of pleading and evidence, but in that respect it may exercise such discretion as will facilitate its efforts to understand and learn all the facts bearing upon the right and justice of the matters before it.

(n) Self-crimination. A claim that any testimony or evidence may tend to criminate the person giving the same shall not excuse such witness from testifying, but such witness shall not be prosecuted for any offense concerning which he may be compelled to testify; provided that no person testifying shall be exempted from prosecution and punishment for perjury committed in so testifying.

(o) At any time within sixty (60) days after an order has been made by the commission any person interested therein may apply for a rehearing in respect to any matter determined therein, and the commission shall grant and hold such a rehearing if in its judgment sufficient reasons therefor be made to appear, which rehearing shall be subject to such rules as the Commission may prescribe. Application for such a hearing shall not excuse any utility or person from complying with or obeying an order of the Commission, or operate in any manner to stay or postpone the enforcement thereof except as the Commission may by order direct. Any order of the Commission made after such rehearing shall have the same force and effect as an original order, but shall not affect any right, or the enforcement of any right, arising from or by virtue of compliance with the original order prior to the order made after rehearing.

(p) From any final action or order of the commission in the exercise of the jurisdiction, powers and authority conferred upon the commission by this act, an appeal shall lie to the circuit court of Franklin county, sitting in equity, and thence to the Court of Appeals of Kentucky. Such appeals from the orders and actions of the commission, and the supersedeas and stay of the action or order appealed from, shall be governed by the provisions of law now in force or hereafter enacted respecting appeals in other cases.

(q) No preliminary injunction or interlocutory order, or decree or process suspending or restraining or affecting the enforcement of any action, order or determination of the commission shall be granted by any judge or court, except upon hearing, after at least five days' notice to commission.

(r) It shall be the duty of courts of competent jurisdiction to entertain and determine all actions commenced under the provisions of this act, and to enforce the provisions of this act, or of any order of the commission, by mandamus, or by injunction, or by any other appropriate remedy.

(s) Orders of Commission to be in Writing. Every order of the Commission shall be in writing, and in cases of importance may be accompanied by an opinion, setting forth in brief, the facts on which the commission has based its order. The commission shall provide for the assembling and publication from time to time of its opinions and orders.

(t) Adherence to Act. A substantial compliance by the commission with the requirements of this act shall be sufficient to give effect to all rules, orders, acts, and regulations of the commission, and they shall not be declared inoperative, illegal or void for any omission of a technical nature, in respect thereto.

§ 4. Definitions. (a) The term "corporation," when used in this act, includes a municipality, a private corporation, an association, a joint stock association, or a business trust.

(b) The term "person", when used in this act, includes a natural person, a partnership, or two or more persons having a joint or common interest, and a corporation as hereinbefore defined.

(c) The term "municipality", when used in this act, includes a county, city, village, town, and any other public corporation existing, created or organized as a governmental unit under the constitution or laws of the State.

(d) The term "utility" or "utilities", when used in this act, shall mean and include every person or group of persons not engaged solely in interstate business, that now or may hereafter own, operate, or lease (1) any plant, property or facility for the generation, production, transmission or distribution, sale or furnishing to or for the public, of electricity for light, heat or power, or other uses, including any conduits, ducts or other devices, materials, apparatus, or property for containing, holding or carrying conductors used or to be used, for the transmission of electricity for light, heat or power or other uses; (2) any plant, property or facility for the production, manufacture, storage, distribution, sale or furnishing to or for the public of natural or manufactured gas for light, heat or power, or other uses; (3) the transporting or conveying of gas, crude oil, or other fluid substance by pipe line for the public for compensation; (4) any plant, property or facility for the supply, storage, distribution or furnishing to or for the public of water for manufacturing, municipal, domestic or other uses; (5) any plant, property or facility for the purpose of transmission or conveyance over wire, in the air or otherwise, of any message, either by telegraph, telephone, or intended for use to or for the public; (6) the transporting of persons or property by motor vehicles for the public, for compensation, over the public highways of Kentucky, but not including taxi-cab or truck service in cities or towns; (7) the transporting of persons or property by steamboat, steamboat company, or other boat or water craft by the use of steam, oil, gasoline or other means, for the public for compensation; (8) the transporting of persons or property by street, suburban or interurban railways, for the public, for compensation.

(e) The term "rate", when used in this act, unless otherwise specified, shall mean and include the plural number, as well as the singular, every individual or joint rate, classification, toll charge, or other compensation for service rendered or to be rendered by any utility, and every rule, regulation, practice, act, requirement or privilege in any way relating to such rate, fare, toll, charge or other compensation, and any schedule or tariff, or part of a schedule or tariff thereof.

(f) Unless otherwise specified, the term "service regulation", when used in this act, shall mean and include every rule, regulation, practice, act or requirement in any way relating to the service or facilities of a utility, including the voltage of electricity, the heat units, pressure and candle power of gas; the purity and pressure of water, and, in general, the quantity and quality of any commodity or service or product described or mentioned in this act.

(g) The term "Commission", when used in this act, shall refer to the "Public Service Commission of Kentucky", unless otherwise indicated.

§ 5. Powers and Duties of the Public Service Commission. (a) Jurisdiction. The jurisdiction of the Commission shall extend to all public utilities in this Commonwealth as enumerated under Section 4 (d) of this act.

(b) General Powers of the Commission to Regulate Public Utilities. The Commission is hereby given power to investigate all methods and practices of public utilities subject to the provisions of this act; to require them to conform to the laws of this Commonwealth and to all reasonable rules, regulations and orders of the Commission not contrary to law; and to require copies of all reports, rates, classifications, and schedules, in effect and used by such utility, or other person, to be filed with the Commission, and also other information desired by the Commission relating to such investigation and requirements. The Commission may compel obedience to its lawful orders by mandamus or injunction or other proper proceedings in the Franklin Circuit Court, and such proceedings shall have priority over all pending cases. Every order entered by the Commission shall continue in force until the expiration of the time, if any, named by the Commission in such order, or until revoked or modified by the Commission, unless the same be suspended, modified, or revoked by order or decree of the Franklin Circuit Court or the Court of Appeals of Kentucky.

(c) General Powers of Commission with Respect to

Rates. The Commission shall have power to enforce, originate, establish, change and promulgate tariffs, rates, joint rates, tolls and schedules for all public utilities enumerated under Section 4 (d) of this act and whenever the Commission after a hearing had, upon reasonable notice, upon its own motion or upon complaint finds that any existing rate, joint rates, tariffs, tolls, or schedules are unjust, unreasonable, insufficient or unjustly discriminatory or otherwise in violation of any of the provisions of this act, the Commission shall by order fix just and reasonable rates, joint rates, tariffs, tolls or schedules to be followed in the future in lieu of those found to be unjust, unreasonable, insufficient or unjustly discriminatory or otherwise in violation of any provision of this act. The Commission may change any intrastate rate, charge or toll which is unjust or unreasonable or any interstate charge, with respect to matters of purely local nature which have not been regulated by or pursuant to an act of congress, and may prescribe such rate, charge or toll as would be just and reasonable, and change or prohibit any practice, service or method of service in order to prevent unjust discrimination or favoritism as between persons or localities.

(d) Procedure for Changing of Rates. No public utility subject to the provisions of this act shall change, suspend or annul any rate, joint rate, charge, rental or classification except after thirty days' notice to the Commission and the public, which notice shall plainly state the changes proposed to be made in the schedule then in force and the time when the proposed changed rates or changes shall go into effect. But the Commission may enter an order suspending the proposed rate and prohibiting such public utility from putting such proposed new rate into effect pending the hearing and final decision of the matter, in which case the proposed new rate shall stand suspended until it is determined by the Commission whether or not the same is just and reasonable. The proposed charges shall be shown by printing new schedules, or shall be plainly indicated upon the schedules in force at the time, and kept open to the public. Provided, however, that the Commission may, in its discretion, and for good cause shown, allow changes upon less time than the notice herein specified, or

may modify the requirements of this section in respect to publishing, posting and filing of tariffs, either by particular instructions or by general order.

Whenever there is filed with the Commission by any such public utility any schedule stating a new rate, or rates, the Commission may either upon complaint or upon its own initiative, upon ten (10) days' notice enter upon a hearing concerning the lawfulness of such rate or rates; pending such hearing and the decision thereof, the Commission, upon filing with such schedule and delivering to the utility affected thereby a statement in writing of its reasons therefor, may, at any time before such rate, or rates, become effective, suspend the operation of such rate, or rates, but not for a longer period than one hundred and twenty (120) days beyond the time when such rate, or rates, would otherwise go into effect, unless the Commission shall find that a longer time will be necessary, in which case the Commission may extend the period for not to exceed an additional one hundred and twenty (120) days; provided, and notwithstanding any such order of suspension, such public utility may put such suspended rate, or rates, into effect upon the date when it or they would have become effective, if not so suspended, by filing with the Commission, a bond in a reasonable amount approved by the Commission, with sureties approved by the Commission, conditional upon the refund, in a manner to be prescribed by order of the Commission, to the persons entitled thereto of the amount of the excess, if the rate or rates so put into effect are finally determined to be excessive; or there may be substituted for such bond, other arrangements satisfactory to the Commission for the protection of the parties interested. After a period of ninety (90) days, upon final determination that such refund should be made, any party entitled to such refund may, after ten days' written demand and failure on the part of the utility to make such refund, sue therefor in any court of competent jurisdiction of this State, and be entitled to recover, in addition to the amount of the refund due, all court costs and reasonable attorney's fees, but no suit may be maintained for that purpose unless instituted within two (2) years after such final determination. Any number of persons entitled to such

refund may join as plaintiffs, and recover their claims in a single action; in which action the court shall render a judgment severally for each plaintiff as his interest may appear.

If, after such hearing, the Commission finds any such rate, or rates, to be unjust, unreasonable, or unjustly discriminatory, or in any wise in violation of law, the Commission shall determine the just and reasonable rate or rates to be charged or applied by the utility for the service in question, and shall fix the same by order to be served upon the utility; and such rate or rates shall thereafter be observed until changed as provided by this act.

(e) Unreasonable Regulations, Practices, and Services. Whenever, under the provisions of this act, the Commission shall find any regulations, measurements, practices, acts or service to be unjust, unreasonable, insufficient or unjustly discriminatory, or otherwise in violation of any provision of this act, or shall find that any service is inadequate, or that any service which is demanded cannot be reasonable obtained, the Commission shall determine and declare, and by order fix, reasonable measurements, regulations, acts, practices or service, to be furnished, imposed, observed and followed in this Commonwealth in lieu of those found to be unjust, unreasonable, insufficient, unjustly discriminatory, inadequate, or otherwise in violation of the provisions of this act, and shall make such other order respecting the same as shall be just and reasonable.

(f) Valuation of the Property of a Utility by the Commission. The Commission may, upon its own motion, at any time and upon reasonable notice to any utility, when the Commission deems it necessary to ascertain the value of the property of such utility, proceed to investigate, ascertain and report the value thereof, and shall make such investigagation, ascertainment and report upon the request and application of any utility. To enable the Commission to make such investigation and report, if upon its own motion, it is authorized to employ such experts and other assistants as it may deem necessary. If such in-

vestigation and report be made upon the application of a utility, the same shall be made and the experts and assistants employed by the Commission for that purpose, shall be employed at the expense of the utility making such application. The Commission may appoint examiners who shall have the power to administer oaths, examine witnesses and take testimony in connection with any such investigation. In arriving at a valuation of the property of any utility as provided in this section—the Commission shall give due consideration to the history and development of the utility and its property, original cost, cost of reproduction as a going concern, and other elements of value recognized by the law of the land for rate making purposes. For the purpose of making such investigation, the members of the Commission and its duly authorized agents and employees shall at all reasonable times have free access to the property, accounts, records and memoranda of the utility whose property and rights are being valued and it shall be the duty of such utility to aid and cooperate with, the Commission and its duly authorized agents and employees to the fullest degree for the purpose of facilitating such investigation. Upon the completion of the valuation of any utility, as herein provided, the Commission may thereafter keep itself informed of all extensions and improvements or other changes in the condition and values of the property of such utility, and may ascertain the value thereof, and may from time to time revise and correct its valuation to the extent that may be necessary by reason of such extensions and improvements or other changes in the physical condition and resulting value of such property; and to this end every utility shall make such report and furnish such information as the Commission may require.

Whenever the Commission shall have completed its valuation and report of the property of any utility as herein provided, and before such valuation shall become final the Commission shall give notice to such utility stating the valuation placed upon the property value and shall allow thirty days (30) in which such utility may file a protest of the same with the Commission. If no protest is filed within thirty days

(30), the valuation fixed by such report shall become final as of the date thereof.

If notice of protest is filed by any utility whose property is so valued, the Commission shall fix a time for hearing the same and shall proceed as promptly as may be to hear and consider any matter relative and material thereto, which may be presented in support of any such protest so filed. If, after hearing any such protest the Commission shall be of the opinion that its valuation should not be made final, it shall make such changes as may be necessary to do justice, and shall issue an order making such valuation as corrected final as of the date thereof, which order shall be a final order of the Commission. If after hearing any such protest the Commission shall be of the opinion that its valuation should be made final, it shall issue an order making such valuation final as of the date thereof, which order shall likewise be a final order of the Commission. Any such final order and the Commission's report of valuation upon which the same is based shall be a permanent public record of the Commission and shall be kept on file at its office.

(g) Authority to Enter Premises. The Commissioners and the officers and employees of the Commission may, during all reasonable hours, enter upon any premises of any public utility, for the purpose of examining any books or records or for making any examination or test or for exercising any power provided for in this act, and may set up and use on such premises apparatus and appliances necessary for any such examination or test. Such public utility shall have the right to be represented at the making of any such examination or test or inspections.

(h) Investigations. The Commission may on its own motion or whenever it may be necessary in the performance of its duties, investigate and examine the condition and management of public utilities or any particular utility. In conducting such an investigation the Commission may proceed either with or without a hearing as it may deem best, but it shall make no order without affording the parties affected hereby a hearing.

(i) System of Accounts. The Commission may establish a system of accounts to be kept by the public utilities, subject to its jurisdiction, or may classify such public utilities and establish a system of accounts for each class and prescribe the manner in which such accounts shall be kept. The Commission shall have the power and authority to examine and inspect at reasonable times and in a reasonable manner the books, records, accounts, plant, property and facilities of any public utility, subject to its jurisdiction, insofar as the same may be pertinent to any matter under investigation before the Commission. Every public utility, subject to the jurisdiction of the Commission, furnishing service within the State shall maintain an office located within the State, and in which shall be kept books of account, and a record of the business done in this State, and such other records, books or documents that the Commission may reasonably require be kept in this State. Every public utility, subject to the jurisdiction of the Commission when and as required by the Commission shall file with the Commission such annual or other reports or information as the Commission shall reasonably require. The Commission shall prepare and distribute to such public utilities blank forms for any information required under this act. All such reports shall be under oath when required by the Commission.

Each such public utility shall keep its books, papers and records accurately and faithfully according to the system of accounts and regulations prescribed by the Commission, and shall comply with all reasonable directions and requirements of the Commission relating thereto.

(j) Issuance of Securities. Issuance of Guarantee of Securities by the Utility. From and after 120 days after the appointment and qualification of the three Commissioners herein provided for, no utility shall issue any securities, notes, bonds, stocks or other evidence of indebtedness, or assume any obligation or liability, as lessor, lessee, guarantor, indorser, surety or otherwise in respect to the securities, notes, bonds, stocks or other evidence of indebtedness, of any other person unless and until, and then only to the extent

that, upon application by the utility, and after investigation by the Commission of the purposes and uses of the proposed issue and the proceeds thereof, or of the proposed assumption of obligation or liability in respect of the securities, notes, bonds, stocks or other evidence of indebtedness, of any other person, the Commission by order authorizes such issue or assumption. The Commission shall make such order only if it finds that such issue or assumption (a) is for some lawful object within the corporate purposes of the utility, (b) is compatible with the public interest, (c) is necessary or appropriate for or consistent with the proper performance by the utility of its service to the public as such utility and will not impair its ability to perform that service and (d) is reasonably necessary and appropriate for such purpose. Any such order of the Commission shall specify that such securities, notes, bonds, stocks or other evidence of indebtedness, or the proceeds thereof, shall be used only for the lawful purposes of such utility.

The Commission shall have power by its order, to grant or deny the application provided for in the preceding section hereof, as made or to grant it in part or deny it in part, or to grant it with such modification and upon such terms and conditions as the Commission may deem necessary or appropriate in the premises.

Every application for authority for such issue or assumption shall be made in such form as the Commission may prescribe. Every such application and every certificate of notification hereinbefore provided for, shall be made under oath, signed and filed on behalf of the utility by its president, a vice-president, auditor, comptroller, or other executive officer having knowledge of the matters therein set forth and duly designated for that purpose by the utility.

Whenever any securities, notes, bonds, stocks or other evidence of indebtedness set forth and described in any such application for authority or certificate of notification as pledged or held unincumbered in the treasury of the utility, shall, subsequent to the filing of such application or certificate,

be sold, pledged, repledged, or otherwise disposed of by the utility, such utility shall, within ten days after such sale, pledge, repledge, or other disposition, file with the Commission a certificate of notification to that effect, setting forth therein all such facts as may be required by the Commission.

Nothing herein shall be construed to imply any guarantee or obligation as to such securities, notes, bonds, stocks or other evidence of indebtedness, on the part of the State of Kentucky.

The provisions of this Act shall not apply to notes issued by a utility for proper purposes and not in violation of law payable at periods of not more than two years from the date thereof, and shall not apply to like notes issued by a utility, payable at a period of not more than two years from date thereof, to pay, retire, discharge, or refund in whole or in part any such note or notes and shall not apply to renewals thereof from time to time not exceeding in the aggregate six years from the date of the issue of the original note or notes so renewed or refunded. Nothing contained in this Act shall be construed as limiting the power of any court having jurisdiction to authorize or cause receiver's certificates or debentures to be issued according to the rules and practice obtaining in receivership proceedings in courts of equity.

The Commission may require periodical or special reports from each utility hereafter issuing any security, notes, bonds, stocks or other evidence of indebtedness, which shall show in such detail as the Commission may require, the disposition made of such securities, notes, bonds, stocks or other evidence of indebtedness, and the application of the proceeds thereof.

Securities, notes, bonds, stocks or other evidence of indebtedness, issued and obligations and liabilities assumed by a utility, for which under the provisions of this Act, the authorization of the Commission is required, shall not be contrary to any term or condition of such order of authorization entered prior to such issuance or assumption. Securities,

notes, bonds, stocks or other evidence of indebtedness, issued or obligations or liabilities assumed in accordance with all the terms and conditions of the order of authorization therefor shall not be affected by a failure to comply with any provision of this Act or rule or regulation of the Commission relating to procedure and other matters preceding the entry of such order of authorization or order supplemental thereto. A copy of any order made and entered by the Commission as in this Act provided (duly certified by the secretary of the Commission) approving the issuance of any securities, notes, bonds, stocks or other evidence of indebtedness, or the assumption of any obligation or liability by a utility, shall, in and of itself, be sufficient evidence, for all purposes, of full and complete compliance by the applicant for such approval with all procedural and other matters required precedent to the entry of such order. Any utility which wilfully issues any such securities, notes, bonds, stocks or other evidence of indebtedness, or assumes any such obligation or liability, or makes any sale or other disposition of securities, notes, bonds, stocks or other evidence of indebtedness, or applies any securities, notes, bonds, stocks or other evidence of indebtedness or the proceeds thereof to purposes other than the purposes specified in an order of the Commission with respect thereto, contrary to the provisions of this Act, shall be liable to a penalty of not more than ten thousand ($10,000) dollars, but such utility is only required to specify in general terms the purpose for which any securities, notes, bonds, stocks or other evidence of indebtedness, are to be issued, or for which any obligation or liability is to be assumed and the order of the Commission with respect thereto shall likewise be in general terms. The willful act of any officer, agent or employee of a utility, acting within the scope of his official duties or employment, shall for the purpose of this section be deemed to be the wilful act of the utility. Actions to recover penalties under this Act shall be brought in the name of the State of Kentucky in any court of competent jurisdiction therein. Whenever any utility is subject to a penalty under this Act the Commission shall certify the facts to the Attorney General, who shall institute and prosecute an action for the recovery of such pen-

alty, provided the Commission may compromise such action and dismiss the same on such terms as the court will approve. All penalties recovered by the State in such action, shall be paid into the State treasury to the credit of the general fund. All applications for the issuance of securities, notes, bonds, stocks or other evidence of indebtedness or assumption of liability or obligations shall be placed at the head of the Commission's docket and disposed of promptly, and all such applications shall be disposed of in sixty days after the same are filed with the Commission, unless it is necessary for good cause to continue the same for a longer period for consideration. Whenever such application is continued beyond sixty days after the time it is filed, the order making such continuance must state fully the facts necessitating such continuance.

(k) Certificate of Necessity and Convenience for Extensions. No plant, property, or facility for the production, transmission, delivery, or furnishing of gas, electricity, water, telephone, or telegraph shall be constructed except ordinary extensions or existing systems in the usual course of business, until written application is made to the Commission for the issuance of a certificate of convenience and necessity and the issuance by the Commission of such certificate. Upon filing of any such application, and after a public hearing of all parties interested the Commission may, in its discretion, issue, or refuse to issue, such a certificate of convenience and necessity and, if issued, may prescribe such conditions upon the issuance as it may deem advisable.

Unless exercised within a period designated by the Commission, but not exceeding four months from the grant thereof, exclusive of any delay due to the order of any court, or to failure to obtain any grant or consent, authority conferred by a certificate of convenience and necessity issued by the Commission shall be null and void; but the beginning of the construction of the line, system of works of such utility, in good faith, within the time prescribed by the Commission, and the prosecution of the same with reasonable diligence, shall constitute a compliance with such certificate. Any person or

group of persons may come before the Commission and by petition ask that any utility, as defined under section 4 (d) of this act, be compelled to make any reasonable extensions, and the Commission shall proceed to hear and determine the reasonableness of such an extension, in the manner prescribed in this act.

(l) Test of Appliances. The Commission shall have power to provide for the examination on test of any appliance used for the measuring of any product or service of the public utility as herein defined, and by its agents or examiners to enter upon any premises occupied by any public utility as herein defined for the purpose of making the examinations and tests provided for in this Act.

To fix the fees to be paid by any consumer or user of any product or service of any public utility as herein defined, who may apply to said commission for such examination or test to be made, and consumer or user may have any such appliances tested upon the payment of the fees fixed by the commission, which fees shall be repaid to the consumer or user if the appliance be found defective or incorrect to the disadvantage of user, and in that event such fees shall be paid by the public utility concern. All fees collected shall be paid into the State Treasury, and credited to the Public Utility account.

(m) Authority of the Commission to Change Contract Rates. The Commission shall have power, under the provisions of this Act, to enforce, originate, establish, change and promulgate any rate, rates, joint rates, charges, tolls, schedules or service standards of any public utility, subject to the provisions of this Act, that are now fixed, or may in the future be fixed, by any contract, franchise or otherwise, between any municipality and any such public utility, and all rights, privileges and obligations arising out of any such contracts and agreements regulating any such rates, charges, schedules or service standards shall be subject to the jurisdiction and supervision of the Commission; provided, however, that no such rate, charge, schedule or service standard shall be changed, nor any contract or agreement affecting same shall be abro-

gated or changed until and after a hearing has been had before the Commission in the manner prescribed in this act.

Nothing in this section or elsewhere in this act contained is intended or shall be construed to limit or restrict the police jurisdiction, contract rights, or powers of municipalities or political subdivisions, except as to the regulation of rates and service, exclusive jurisdiction over which is lodged in the Public Service Commission.

(n) Regulation of Rates and Service by Municipal Contract. Rates and service regulations may hereafter be established by contracts between a municipality and utility for a specified term not exceeding twenty (20) years, but only by and with the approval of the Commission to be expressed by its order. Utilities may contract with each other and with persons who are not utilities in respect of the use of their properties and facilities, the sale or exchange of water, gas, electricity, or other products or commodities, otherwise than pursuant to established rates, the distribution to the public of such products and commodities jointly or singly, and the territory within which such joint or single service shall be rendered and other matters deemed to be of mutual advantage, subject, however, in all such cases to the approval of the Commission, but provided that no person shall participate in such distribution who is not a utility. Whenever any such contract shall be made it shall before becoming effective, be submitted to the Commission. If the Commission shall find the provisions of any such contract consistent with the public interest it shall approve the same. Otherwise it shall disapprove the same, and unless and until so approved, such contract shall be of no effect, but if it be approved it shall in all respect be lawful. Whenever a utility provides for itself by contract, as above provided, a source of supply of any product or commodity which it would otherwise be under the duty to generate or manufacture, it shall, to such extent as the Commission may order, be excused from the construction or maintenance of plants, facilities and equipment necessary for such generation or manufacture, provided, however, that fraud or collusion by either party shall invalidate the contract, no matter

how long in force and give the Commission power to fix the rates.

§ 6. (a) All rights, powers, and duties devolved upon, now vested in and exercisable, or which may in the future be exercisable by the Department of Motor Transportation under the Constitution or laws of the Commonwealth of Kentucky, and more specifically the powers and duties imposed by Chapter 112 of the Acts of 1926, compiled as Section 2739j 1-41, inclusive, of Carroll's Kentucky Statutes, 1930 edition, and by Chapter 109 of the Acts of 1928, compiled as Sections 2739k 1 and 2 of Carroll's Kentucky Statutes, 1930 edition, and by Chapter 78 of the Acts of 1930, compiled as Section 2739l 1-8, inclusive, of the 1931 Supplement of Carroll's Kentucky Statutes, 1930 edition, upon the said Department of Motor Transportation in reference to the control, regulation and supervision of Motor Transportation of persons or property for hire upon the public highways of Kentucky are hereby transferred to and vested in the Public Service Commission created by this act, to be exercised and performed by it upon the following condition: (1) The Commissioner of Motor Transportation as now provided for by Section 2739j-36 of Carroll's Kentucky Statutes, 1930 edition, shall have the title of Deputy Commissioner of the Public Service Commission, and shall be appointed by the Governor for the term and at the salary now provided for by said Section 2739j-36. Said Deputy Commissioner shall have charge of the division of Motor Transportation hereby made a part of the Public Service Commission, and shall have control and supervision of all motor vehicles as defined in Section 4 (d) of this act; provided, however, that such powers and duties of the said Deputy Commissioner shall ever be subject to the supervision and control of the Public Service Commission; (2) the fees to be paid for the control, supervision and regulation of such motor vehicles as defined in Section 4 (d) of this act shall be paid in the same manner as now provided by law, and shall be used only for the maintenance of the division of motor transportation; provided, however, the division of Motor Transportation shall pay its proportionate part of the expense incurred in the payment of the salaries of the three commissioners and

the attorney for the said commission, and for this purpose such proportionate amount, to be determined by the Commission, for the payment of such salaries shall each year be transferred from the account of the division of Motor Transportation into the account of the Public Service Commission; (3) the Commission shall have authority, upon the approval of the Governor, to appoint such assistants for the division of Motor Transportation as are now provided for by law, and such assistants shall be paid the salary now provided by law.

(b) Upon the filing of any application or complaint before the Deputy Commissioner herein provided for, he shall present same to the Commission, who shall determine whether or not, in its discretion, a hearing upon said complaint shall be held before the entire Commission or any commissioner thereof, or before the Deputy Commissioner, and such hearing shall be conducted in the manner so prescribed by the Commission. Every order of any Commissioner or of the Deputy Commissioner shall be a final order when confirmed and certified by the Commissioner.

(c) Whenever the words "Commissioner of Motor Transportation", or words denoting that officer, appear in those sections of the statute heretofore referred to, the same shall be construed to mean the Public Service Commission. All existing provisions not inconsistent with the provisions of this act in relation to the supervision, regulation, and control of motor transportation of persons for hire over the public highways, are continued in force.

§ 7. Transfer of Powers to Public Service Commission. All rights, powers and duties devolved upon, now vested in, and exercisable by the Railroad Commission by the Constitution and laws of the Commonwealth of Kentucky, other than such as relate to steam railroads, and, more specifically, the powers and duties imposed by Chapter 61 of the Acts of 1920, now compiled as Sections 201a 1-26, inclusive, Carroll's Kentucky Statutes, 1930 edition, and by Chapter 102 of the Acts of the General Assembly of 1922, now compiled as Sections 201g 1-20, inclusive, Carroll's Kentucky Statues, 1930 edition,

upon the Railroad Commission in reference to express companies, telegraph companies, telephone companies, natural gas companies and natural gas transportation companies, are hereby transferred to and vested in the Public Service Commission, created by this act, to be exercised or performed by it. Whenever the words "railroad commission" or other words denoting the commission, in so far as the same relate to any of the public utilities mentioned in this section, appear in either of the statutes referred to in this section, the same shall be construed to mean the Public Service Commission, which shall have and exercise the same measure of jurisdiction as that previously vested in the Railroad Commission.

All laws or parts of laws, or provisions of the Constitution, in relation to the Railroad Commission and the subject matter of jurisdiction thereof, heretofore existing and not inconsistent with this act, shall be continued in force as under the jurisdiction of the Public Service Commission hereby created.

The Railroad Commission shall transfer and deliver to the Public Service Commission all books, maps, papers, files and records, of whatever nature or description, relating to any of the public utilities other than steam railroads.

§ 8. Duties and Privileges of Public Utilities Subject to the Regulation of the Commission.

(a) Rates. Every rate demanded or received by any public utility, or by any two or more public utilities jointly, shall be just and reasonable.

(b) Service. Every public utility shall furnish adequate, efficient, and reasonable service.

(c) Schedules. Under such rules and regulations as the Commission may prescribe, or that may be prescribed under this act, every public utility shall file with the Commission, within such time and in such form as the Commission may

designate, schedules showing all rates established by and collected or enforced. The public utility shall keep copies of such schedules open to public inspection under such rules and regulations as the Commission may prescribe.

(d) Adherence to Schedule. No public utility shall directly or indirectly, by any device whatsoever or in any wise, charge, demand, collect or receive from any person a greater or less compensation for any service rendered or to be rendered by such public utility than that prescribed in the schedule, or schedules, of such public utility, applicable thereto then filed in the manner prescribed in this act, or under such rules and regulations as the Commission may prescribe, nor shall any person receive or accept any service from a public utility for a compensation greater or less than that prescribed in such schedules.

(e) Discrimination. No public utility shall as to rates or service make or grant any unreasonable preference or advantage to any corporation or person or subject any corporation or person to any unreasonable prejudice or disadvantage. No public utility shall establish or maintain any unreasonable difference as to rates or service either as between localities or as between classes of service for doing a like or contemporaneous service under the same or substantially the same conditions. The Commission may determine any question of fact arising under this section.

§ 9. Assessment for Maintaining Commission and How Appropriated. (a) For the purpose of maintaining the Public Service Commission hereby established, including the payment of salaries, traveling expenses, printing, rent, light, heat, water, telephone, and all other overhead expenses and the expense of regulation and supervision by it of the utilities enumerated in Section 4 (d) of this act, each of said utilities on or before July 1, 1932, and on or before July 1, 1933, shall pay to the State Treasurer of the Commonwealth of Kentucky a sum equal to one twenty-fifth of one per centum of the total value that has been assessed against such public utility for the year 1931.

(b) On or before July 1st of each year thereafter such expense of maintaining said commission shall be apportioned among and assessed upon said utilities by the commission in proportion to the intra gross earnings or receipts of such utilities for the next preceding calendar year in which the assessments are made, providing, however, that the total amount so assessed shall not in any year exceed sixty thousand dollars. All inspection fees shall be paid to the Treasurer of the Commonwealth of Kentucky on or before the first day of July, 1934, and on or before the first day of July of each year thereafter.

(c) In no event, however, shall the sum to be paid by any such utility for the maintenance of the commission be less than twenty-five dollars in any one year.

(d) In respect to the assessment provided for in paragraph (b) of this section the commission shall on or before July 1, 1934, and on or before July 1st of each succeeding year thereafter certify to the auditor of State the amount of such assessment apportioned by it to each of said utilities and he shall certify such amount to the treasurer of the State, who shall collect and pay the same into the State treasury to the credit of a special fund for the maintenance of such public service commission.

(e) To ascertain the amount of the assessment provided for in paragraph (b) of this section, each of said utilities shall on or before March 1, 1934, and on or before March 1st of each succeeding year thereafter file with the commission a report of its intra gross earnings or receipts for the preceding calendar years, and within sixty days, after the final date for such filing, the commission shall notify each of said utilities of the sum assessed against and to be paid by it hereinbefore provided.

(f) Should any amount of the sums paid by such utilities for the maintenance of the commission remain unexpended in the treasury at the end of any fiscal year, such

amount so unexpended shall be applied pro rata on the same basis that the amounts of such payments were determined in said year, in the reduction of the payment to be made by such public utility for the next ensuing fiscal year for the maintenance of the commission.

(g) All expenses incurred in the administration of this act shall be paid out of the public utility account in the treasury on the Auditor's warrant for the payment of bills itemized and certified as correct by the Secretary of the Commission.

(h) Any such utility failing to make payment as herein provided for the maintenance of said commission shall forfeit and pay to the State one thousand dollars, and twenty-five dollars for each day such utility refuses, neglects or fails to make such payment, which forfeiture shall not release such utility from the payment of such assessment.

§ 10. Penalties. Every officer, agent, employee or stockholder of any public utility as enumerated in section 4 (d) hereof, or other person who shall wilfully violate any provision of this act, or who procures, aids or abets any violation of this act by any such public utility shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than one thousand ($1,000.00) dollars, or be confined in jail not more than six (6) months, or both; and if any such public utility shall be a private corporation and shall violate any of the provisions of this act, or shall do any act herein prohibited, or shall fail and refuse to perform any duty imposed upon it under this act for which no penalty has been provided by law, or shall fail, neglect or refuse to obey any lawful requirement or order made by the commission, for every such violation, failure or refusal such public utility shall forfeit and pay into the treasury a sum not less than twenty-five ($25.00) dollars, nor more than one thousand ($1,000.00) dollars, for each such offense, said sum or sums to be credited by the State Treasurer to the public utilities account as hereinafter provided for. In construing and enforcing the provisions of this section the act, omission or failure of any officer,

agent or other person acting for or employed by any public utility acting within the scope of his employment shall in every case be deemed to be the act, omission or failure of such public utility.

§ 11. Court Review. (a) Any public utility and any person or corporation in interest being dissatisfied with any order of the commission fixing any rate or rates, tolls, fares, charges, schedules, joint rate or rates, or any order fixing any regulations, practices, acts or service may commence an action in the circuit court of Franklin County against the commission as defendant to vacate and set aside any such order on the ground that the rate or rates, tolls, fares, charges, schedule, joint rate or rates fixed in such order are unlawful, or that any such regulation, practice, act or service fixed in such order is unreasonable or unlawful, in which action a true copy of the petition shall be served upon the commission or its secretary, together with the summons.

(b) The answer of the commission to the petition shall be served and filed within ten days after service of the complaint, whereupon said action shall be at issue and stand ready for trial upon ten days' notice to either party, on the equity side of the docket of the Franklin Circuit Court. It shall not be necessary in the answer to deny verbatim the allegations of the petition, but a general denial thereof on behalf of the commission may be sufficient.

(c) Any person not a party to the action but having an interest in the subject thereof, may apply to the Franklin Circuit Court to be made a party and the court in its discretion shall thereupon order him to be brought in by intervening petition and upon the trial of the case and upon the judgment entered the court shall have power to make an independent investigation upon the law and the facts and shall not in respect thereto be bound by any of the findings or orders of the public service commission in regard to any matter or thing set forth in the petition.

(d) Every proceeding, action or suit to set aside, vacate

or amend any determination or order of the commission, or to enjoin the enforcement thereof, or to defend in any way such order or determination from becoming effective, shall be commenced and every appeal to the courts shall be taken or exercised within ninety days after the entry or rendition of such order or determination, and the right to commence any such action, proceeding or suit or to take or exercise any such appeal or right of recourse to the courts shall terminate absolutely at the end of such ninety days after the entry or rendition of such order or determination of the public service commission.

(e) No injunction shall issue in any proceeding, action or suit mentioned in this section suspending or setting aside any order of the commission, except upon application to the circuit court or the presiding judge thereof, and notice to the commission and any party interpleading and hearing; and no injunction shall issue in any other proceeding, action or suit in any court which shall have the effect of delaying or preventing any order of the commission from becoming effective, unless the parties to the proceeding before the commission in which such order was made are also parties to such proceeding, action or suit in such court, or shall have been brought in and made parties as provided by the civil code of procedure, or in such manner as the court or presiding judge thereof shall by order direct.

(f) No injunction shall issue in any such proceeding, action or suit suspending or setting aside any order of the commission or having the effect of delaying or preventing any order of the commission from becoming effective, unless an undertaking shall be entered into on the part of the plaintiff, together with good and sufficient surety in such sum as the court or presiding judge thereof shall direct to the effect that the plaintiff will pay for damages which the opposite party may have sustained by the delay or prevention of the order of the commission becoming effective, and to such further effect as such judge or court shall in discretion direct, and no order or judgment in any such proceeding,

action or suit shall be stayed on appeal therefrom unless a like undertaking be entered into by the appellant.

(g) New Evidence. If upon trial of such action evidence shall be introduced by the plaintiff which is found by the court to be different from that offered upon the hearing before the commission or its authorized agent, or additional thereto, the court, before proceeding to render judgment, unless the parties to such action stipulate in writing to the contrary, shall transmit a copy of such evidence to the commission and shall set further proceedings in said action for fifteen days from the date of such transmission.

Upon the receipt of such evidence the commission shall consider the same and may alter, modify, amend or rescind its order relating to such rate or rates, tolls, charges, schedules, joint rate or rates, regulations, practice, act or service complained of in said action and shall report its action thereon to said court within ten days from the receipt of such evidence.

If the commission shall rescind its order complained of, the action shall be dismissed; if it shall alter, modify or amend the same, such altered, modified or amended order shall take the place of the original order complained of. Any party to the action aggrieved by such altered, modified or amended order may complain of same by an amended pleading, and the court shall thereupon consider the cause on the new issue so made and proceed to render judgment on such altered, modified or amended order as though made by the commission in the first instance. And judgment shall be rendered thereon as though made by the commission in its first instance.

If the original order shall not be rescinded or changed by the commission, judgment shall be rendered upon such original order.

(h) Burden of Proof. In all trials, actions or proceed-

ings, arising under the provisions of this Act or growing out of the exercise of the authority or powers granted hereunto the commission, the burden of proof shall be to the party adverse to the public service commission seeking to set aside any determination, requirement, direction or order of said commission, to show by clear and satisfactory evidence that the determination, requirement, direction or order of the commission complained of is unreasonable or unlawful.

(i) Appeal to the Court of Appeals. Either party to said action within sixty days after entry of the order or judgment of the circuit court may appeal to the Court of Appeals of Kentucky, and such appeal upon the filing thereof in the office of the Clerk of the Court of Appeals shall be docketed and advanced in similar manner as Commonwealth cases.

§ 12. Construction of Act. All laws or parts of laws in conflict with the provision of this Act are hereby repealed. Each section of this Act is hereby declared to be separate and independent of every other section thereof, and if for any reason any section or provision of this Act shall be held to be unconstitutional or invalid, no other section or provision of this Act shall be affected thereby, as the remaining parts of the Act would have been passed by the General Assembly if such unconstitutional or invalid section or provision, if any, had been stricken out before the passage of this Act by the General Assembly.

Senator Moore moved that substitute be printed.

Said motion was agreed to.

Senator Allie W. Young of the Committee on Kentucky Statutes No. 1, to which had been referred a bill of the follow-title:

S. B. 368. An Act to amend and re-enact Subsection (1) of Section 2866, Subsection (3) of Section 2866, and Subsection (4) of Section 2866, Kentucky Statutes, 1930 Carroll's

Edition, same being a part of Chapter 115, page 389, Section 82, of the Acts of 1926 session of the General Assembly of Kentucky, relating to and providing for the creation of a Civil Service Board of five members, and for their appointment, qualifications, bonds, term of office, removability and compensation of said board and appointees, and for the levy and assessment of taxes to support said board, and defining the right, powers and duties of said board and declaring an emergency.

Reported with expression of opinion that same ought to pass.

Senator Allie W. Young of the Committee on Kentucky Statutes No. 1, to which had been referred a bill of the following title:

S. B. 333. An Act relating to registration and other means of identification of voters for elections in counties of the Commonwealth containing a city of the first class; providing the revenue to defray the expenses of such registrations; repealing Chapter 48 of the Acts of the General Assembly of 1930 relating to and governing registration of voters for elections in cities of the first class to the extent that same relates to the registration of voters in cities of the first class for the general November election of 1932 and thereafter.

Reported with expression of opinion that same ought to pass.

Senator Allie W. Young of the Committee on Kentucky Statutes No. 1, to which had been referred a bill of the following title:

H. B. 123. An Act enabling cities of the third class to acquire, construct, operate and maintain electric light, heat and power plants, and to issue revenue bonds of such cities to pay the cost thereof, payable solely from the revenues of such works without the incurrence of indebtedness of said cities.

Reported with expression of opinion that same ought to pass.

Senator Allie W. Young of the Committee on Kentucky Statutes No. 1, to which had been referred a bill of the following title:

H. B. 271. An Act creating a County Civil Service Board in counties of this Commonwealth in which there is located a city of the first class; defining the powers and duties of said board; providing for the expenses thereof; repealing Sections 3783 and 3784 of Carroll's Kentucky Statutes, compiled and edited by the Baldwin Law Book Company, 1930 Edition, in so far as said sections relate to counties having a city of the first class.

Reported with expression of opinion that same ought to pass.

Senator Allie W. Young of the Committee on Kentucky Statutes No. 1, to which had been referred a bill of the following title:

S. B. 414. An Act relating to the fiscal administration of the Commonwealth of Kentucky, and amending Section 1992a-24, Carroll's Kentucky Statutes, 1930 Edition, prescribing the duties of the State Budget Commission with reference to the control and supervision of expenditures by the various budget units of the State, and prescribing the duties of the Auditor of Public Accounts, the State Tax Commission and other officers of the State, and repealing Section 1992a-26, Carroll's Kentucky Statutes, 1930 Edition.

Reported with expression of opinion that same ought to pass.

Senator Allie W. Young of the Committee on Kentucky Statutes No. 1, to which had been referred a bill of the following title:

S. B. 322. An Act relating to revenue and taxation, imposing an excise or license tax on gasoline and all other liquid fuels, including all liquids ordinarily, practically and commercially usable in internal combustion engines for the generation of power, and all distillates of, and condensates from petroleum, natural gas, coal tar, vegetable ferments, and from all other products, so usable and sold in this Commonwealth at wholesale, as the words "at wholesale" are defined in this Act; except kerosene, fuel oil, and crude oil as such; providing for the collection of such tax, for the keeping of records, reporting of sales, defining the duties of the State Tax Commission, and requiring reports to be made to the State Tax Commission by railroads and other persons, firms or corporations showing the transportation and delivery of gasoline; exempting gasoline from local excise and license taxes; the distribution and use of the revenue derived therefrom, the administration of said law, fixing fines and penalties for the violation of this Act; repealing Chapter 127 of the Acts of 1928, and Chapter 153 of the Acts of 1930, both of said chapters constituting the present gasoline tax law.

Reported with expression of opinion that same ought to pass.

Senator Moore of the Committee on Courts and Legal Procedure, to which had been referred a bill of the following title:

S. B. 384. An Act to amend and re-enact Section 1093 of the Kentucky Statutes (Carroll's 1930 Edition), being an Act defining and prescribing the jurisdiction of justices and quarterly courts and the judges of police courts in cities of the first, second, third, fourth, fifth and six class in this Commonwealth in penal and misdemeanor cases.

Reported with expression of opinion that same ought to pass.

Senator Moore of the Committee on Courts and Legal

Procedure, to which had been referred a bill of the following title:

S. B. 369. An Act to amend and re-enact Section 1093 of the Kentucky Statutes (Carroll's Edition, 1930), relating to the jurisdiction of justices and quarterly courts in penal actions and giving said justices and quarterly courts and the judge thereof jurisdiction concurrent with circuit courts of the offenses of petit larceny.

Reported with expression of opinion that same ought to pass.

Senator VanHoose of the Committee on Forestry and State Parks, to which had been referred a bill of the following title:

H. B. 406. An Act creating, cultivating and preserving State and county forestry.

Reported with expression of opinion that same ought to pass.

Senator Hamilton of the Committee on University and Normal Schools, to which had been referred a bill of the following title:

S. B. 441. An Act providing for the issuance of college elementary certificates; repealing Subsection 2 of Section 4501-7 and Subsection 1 of Section 4836b-2, Carroll's Kentucky Statutes, Baldwin's Revision of 1930, and Subsection 1 of Section 2 of Chapter 37, Acts of the General Assembly of 1930.

Reported with expression of opinion that same ought to pass.

## ENROLLMENT REPORT

Senator Stewart, of the Committee on Enrollment, re-

ported that they had examined and found correctly enrolled, bills and resolutions which originated in the Senate, of the following titles:

H. B. 279. An Act to repeal and re-enact Chapter 76 of the Acts of 1930 entitled, "An Act regulating the transportation by motor vehicles of all officers and employees of the State of Kentucky, excepting the Governor and Lieutenant-Governor and providing for the payment of the traveling expenses by motor vehicles of all officers and employees of the State of Kentucky, and providing for the future use and sale of all motor passenger vehicles now owned by the State of Kentucky and repealing all laws and parts of laws provided for the purchase of motor passenger vehicles for use of State officers and employees, excepting the Governor and Lieutenant-Governor, providing a penalty for a violation thereof and declaring an emergency to exist," and providing for the purchase and operation of motor passenger vehicles for the use of the State Highway Commission of Kentucky and the employees thereof, and declaring an emergency to exist.

Whereupon all other business was suspended; said bills and resolutions were read at length and compared in open Senate, and were found to be correctly enrolled. Thereupon, the President of the Senate, in open session, in the presence of the Senate, affixed his signature to said bills and resolutions.

Ordered that the Enrolling Clerk deliver said bills and resolutions to the House of Representatives.

## CALENDAR

Senator Gates F. Young moved that the second reading of bills and resolutions at length be dispensed with and that they be read by their titles only.

Said motion was agreed to by a majority of the members elected.

It was ordered that the bills and resolutions be read by their titles only, and placed in the Orders of the Day.

Said titles to bills are as follows:

H. B. 730. An Act to provide for the appointment of a County Superintendent of Schools in counties containing cities of the first or second class, and describing his term of office, qualifications, duties and salary, and repealing all laws or parts of laws in conflict herewith.

S. B. 164. An Act to amend and re-enact an Act known as Chapter 81 of the Acts of 1930, entitled, "An Act to amend and re-enact an Act known as Chapter 87 of the Acts of 1922, entitled, 'An Act to amend Subsection c of Section 2, Chapter 90, page 415 of the Acts of the General Assembly of 1920, regulating fees for passenger automobiles,' " and further regulating fees for passenger automobiles.

S. B. 124. An Act entitled An Act to authorize receivers and liquidating agents of closed and insolvent banks to borrow money and to secure same, pledge the assets of such bank or banks for the purpose of making distribution to depositors, or to re-organize or re-open such bank or banks.

S. B. 382. An Act regulating the planting of trees, shrubs, or other growths within the State highways, designating care and control, providing penalty for injuring and destroying same, designating certain money for nursery highway fund and naming who shall receive said trees.

S. B. 323. An Act to repeal, amend and re-enact Section 4042a-8 of Kentucky Statutes, relating to the compensation of County Tax Commissioners.

H. B. 320. An Act to provide for the appointment of a curator for persons absent and not known to have been living for a year or more, and to prescribe the duties of such curator.

S. B. 203. An Act to provide for the manufacture of

chairs, tables, desks, stools, seats and benches by the inmates of the penal institutions of the State of Kentucky, and making an appropriation therefor.

H. B. 400. An Act relating to the advancement of credit against labor performed or to be performed.

H. B. 234. An Act guaranteeing to all children in this Commonwealth school privileges for the legal term of school.

H. B. 392. An Act providing for the practice of Barbering and Beauty Specialists, requiring the registration of Barbers and Apprentices and Beauty Specialists and Apprentices, and the supervising of Barber Shops and Beauty Shops.

S. B. 394. An Act to amend and re-enact Section 3184 and Section 3185 of Kentucky Statutes, Carroll's 1930 Edition, and relating to the payment and collection of taxes in cities of the second class.

H. B. 439. An Act to repeal and re-enact Chapter 143 of the 1930 Acts of the General Assembly of the Commonwealth of Kentucky, same being Section 2061a-4a, Baldwin's 1930 Supplement to Carroll's 1930 Kentucky Statutes, entitled, "certain counties may divert funds for support and maintenance of Sanatoria. When."

S. B. 361. An Act to repeal and re-enact Section 6 of "An Act to repeal and re-enact an Act entitled: 'An Act granting pensions to indigent and disabled Confederate soldiers and their widows,' which became a law February 28, 1928," and which Act repealing and re-enacting it was Chapter 150, Acts of 1928, page 521, and said Section 6 of the 1928 re-enacted Act is now Section 415b-6 of the present 1930 Edition of Carroll's Kentucky Statutes.

H. B. 544. An Act requiring all incorporated cities and towns in the State of Kentucky to acquire lands for dumping garbage, and compelling said city or town to keep an open road to and from such lands in repair.

S. B. 154. An Act authorizing cities of the fourth and fifth classes to provide insurance or maintenance for arresting officers, who may sustain injury, in discharge of official duty, which incapacitates such officer; and support for widows and orphans of such officers who lose their lives in discharge of official duty, and provide funds and taxes therefor, and procedure for securing same and determining amounts to be paid; and for trials, and appeals concerning same.

S. B. 412. An Act to amend and re-enact Section 3354 of Kentucky Statutes relating to police judges in cities of the third class.

H. B. 615. An Act repealing and re-enacting Sections 2711a-1 to 2711a-127, inclusive, and Sections 2711a-129 to 2711a-141, inclusive, of Chapter 86 of Baldwin's 1930 Supplement to the Kentucky Statutes, Carroll's 1922 Edition, same being an Act providing for the organization, armament, discipline and government of the militia and National Guard of Kentucky; providing for a Military Department of Kentucky; providing for the proper officer and other employees of said Department; same being intended to repeal and re-enact all of the present laws of Kentucky relating to the militia and National Guard except Section 2711a-128 of Baldwin's 1930 Supplement to the Kentucky Statutes, Carroll's 1922 Edition, which section is specifically exempted from the effect of the repeal and re-enactment herein provided for.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 99. An Act to define, license, and regulate the business of making loans or advancements in the amount or of the value of three hundred dollars ($300) or less, secured or unsecured, to individuals pressed by lack of funds to meet immediate necessities, at a greater rate of interest, discount, consideration, or charge than six per centum (6%) per annum, prescribing the rates thereof, regulating the assignment of wages or salaries, earned or to be earned, when given

as security for any such loan or as consideration for a payment of three hundred dollars ($300) or less, providing for the administration of this Act, authorizing the making of examinations and investigations and the publication of reports thereof, providing for a review of decisions and findings of the Banking Commissioner under this Act, and repealing so much of Section 4224a, Carroll's Kentucky Statutes (1930), as applies to persons licensed under this Act, and limiting the application of Sections 2218 and 2219, Carroll's Kentucky Statutes (1930), and repealing all Acts and parts of Acts in conflict with the provisions of this Act.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. The following terms, as used in this Act, shall have the meaning stated, unless the context requires a different meaning:

(a) "Person" includes individuals, partnerships, associations, and corporations.

(b) "Licensee" means a person licensed under this Act.

(c) "Commissioner" means Banking Commissioner of the Commonwealth of Kentucky.

§ 2. No person shall, except as authorized in this Act and without first obtaining a license from the Banking Commissioner as hereinafter provided, engage in the Commonwealth of Kentucky in the business of making loans in the amount or of the value of three hundred dollars ($300) or less and charge, contract for, or receive, directly or indirectly, or by any device, subterfuge, or pretense whatsoever a greater rate of interest, discount, or consideration therefor than six per cent (6%) per annum.

§ 3. (a) Each application for a license under this Act

shall be made in writing, under oath or affirmation, to the Commissioner in such form as he may prescribe. Such application shall contain (1) in the case of an individual, his name and the address of his residence and place of business; (2) in the case of a partnership or association, the name and address of every member thereof and the address of the place where such business is to be conducted; (3) in the case of a corporation, the names and addresses of the officers and directors thereof and the address of the place where such business is to be conducted; and (4) such additional information as the Commissioner may prescribe.

(b) Each applicant shall also prove, in form satisfactory to the Commissioner, that said applicant has a net worth of at least ten thousand dollars ($10,000) and has available for the purpose of making loans under this Act at the location specified in the application, liquid assets of at least ten thousand dollars ($10,000).

(c) Each applicant at the time of making such application shall pay to the Commissioner the sum of fifty dollars ($50) as a fee for investigating the application and the additional sum of two hundred and fifty dollars ($250) as an annual license fee for the period terminating on the last day of the current calendar year; provided, that if the application is filed after June thirtieth in the year such payment shall be one hundred and twenty-five dollars ($125) as such license fee in addition to the said fee for investigation.

In addition to the said annual license fee every licensee hereunder shall pay to the Commissioner the fees for each examination of his business as provided in Section 10 (a) of this Act; and such applicant shall also file with his application a bond running to the Commonwealth of Kentucky in which the applicant shall be the obligor, in the sum of one thousand dollars ($1,000) with two or more sufficient sureties, whose liability as such sureties shall not exceed the said sum in the aggregate. Such bond shall be approved by the Commissioner and be conditioned upon the compliance by the

applicant with all the provisions of this Act and all rules and regulations lawfully made pursuant thereto. Any person injured by the non-compliance with any such provision, rule, or regulation by any license under this Act may maintain a suit in his own name in any court of competent jurisdiction and recover on the bond such damages as shall be adjudged by such court, together with costs of such suit. Recovery upon any such bond shall not preclude recovery against such licensee for any liability in excess of the amount recovered upon the bond, and such recovery shall not be held to extinguish any remedy under other law.

(d) The bond or bonds which the licensee is required to file hereunder shall be renewed and refiled annually at the time of making payment of the annual license fee. If the Commissioner shall find that any such bond has for any reason become insecure or exhausted, a like bond to be approved by the Commissioner in the sum of not more than one thousand dollars ($1,000) shall be filed by the licensee within ten days after written demand therefor by the Commissioner.

§ 4. (a) If the Commissioner approves the bond filed by the applicant and the form of the application, and finds after investigation (1) that the financial responsibility, experience, character, and general fitness of such applicant, and of the members thereof if the applicant is a partnership or association, and of the officers and directors thereof if the applicant is a corporation, are such as to command the confidence of the community and to warrant the belief that the business of the applicant will be operated honestly, fairly, and efficiently in accordance with the purposes of this Act; (2) that permitting such applicant to engage in such business will promote the convenience and advantage of the community, and (3) that the applicant has a net worth of at least ten thousand dollars ($10,000) and has available for the purpose of making loans under this Act at the specified location liquid assets of at least ten thousand dollars ($10,000), the Commissioner shall issue to the applicant a license to make loans in accordance with the provisions of this Act at the

location specified in said application. If the Commissioner does not so find, he shall not issue such license and he shall notify the applicant of the denial and return to the applicant the bond and the sum paid by the applicant as a license fee, retaining the fifty dollars ($50) investigation fee to cover the cost of investigating the application. The Commissioner shall approve or deny every application for license hereunder within sixty days from the filing thereof with the said fees and the said approved bond.

(b) Every license issued shall state the address of the office at which the business is to be conducted, the name of the licensee, and if the licensee is a partnership or association, the names of the members thereof, and if a corporation, the date and place of its incorporation. Such license shall be kept conspicuously posted in the office of the licensee and shall not be transferable or assignable. Not more than one place of business shall be maintained under the same license but the Commissioner may issue more than one license to the same licensee upon compliance for each such license with all the provisions of this Act applicable to the original issuance of licenses. Whenever a licensee shall desire to change his place of business to another location within the same municipality the Commissioner, on application, if he finds that the interests of the community will be served thereby, shall indorse on the license a transfer to the new place of business, with the date of transfer, which indorsement shall be authority for the operation of such business under such license at such new location. No change in the place of business of a licensee to a location outside of the original municipality shall be permitted under the same license.

(c) No licensee shall conduct the business authorized by this Act in any office, room, or place of business in which any other business is solicited or engaged in, or in association or conjunction therewith, except upon a written authorization from the Commissioner. No such authorization shall be granted unless the Commissioner finds that the soliciting of or engaging in such other business, in the same office, room, or place

of business in which the business of making loans under this Act is conducted will not facilitate evasions of this Act. No licensee shall make any loan under this Act under any other name or at any other place of business than that stated in the license.

(d) Each license shall remain in full force and effect until it is surrendered by the licensee or suspended or revoked as hereinafter provided. Each licensee shall, on or before the twentieth day of each December, pay to the Commissioner the annual license fee for the next succeeding calendar year.

(e) The Commissioner shall, upon ten days' written notice to the licensee stating that he contemplates the revocation of his license and, in general, the grounds therefor revoke such license, after reasonable opportunity has been afforded to the licensee to be heard, if the Commissioner finds (1) that the licensee has failed to pay the annual license fee or to maintain in effect the bond or bonds required under this Act, or (2) that the licensee has violated any provision of this Act or has failed to comply with any rule or regulation lawfully made pursuant thereto, or (3) that any fact or condition then exists which clearly would warrant the Commissioner in refusing to issue a license on an original application. The Commissioner may, without notice or hearing, suspend any license for a period not exceeding thirty days, pending investigation. The Commissioner shall have authority to reinstate suspended licenses or to issue new licenses to a licensee whose license or licenses shall have been revoked if no fact or condition then exists which clearly would have warranted the Commissioner in refusing originally to issue such license under this Act. Any licensee may surrender any license by delivering to the Commissioner written notice that he thereby surrenders such license.

(f) Whenever the Commissioner shall refuse or deny any application for a license under the provisions of this Act or shall revoke any license issued pursuant to this Act, he shall forthwith file in the office of the Banking Commis-

sioner of Kentucky a written order to that effect and stating his findings with respect thereto and his reasons supporting the denial or refusal or the revocation and shall forthwith serve upon the applicant for license or licensee a copy thereof and said applicant for license or licensee shall be entitled to appeal from said order to the Circuit Court of Franklin County, provided said appeal is filed within thirty days after the service of a copy of said order, and to the Court of Appeals of Kentucky from any decision of said Franklin County Circuit Court.

§ 5. No licensee shall advertise, print, display, publish, distribute, or broadcast, or permit to be advertised, printed, displayed, published, distributed, or broadcast, any statement or representation which refers to the supervision by the Commonwealth of Kentucky of the business license hereunder. Nor shall any licensee or any other person knowingly in any such manner make or permit to be made any statement or representation with regard to the rates, terms, or conditions for making loans in the sum of three hundred dollars ($300) or less, which is false, misleading, or deceptive.

§ 6. (a) (1) Every licensee hereunder may loan any sum of money not exceeding three hundred dollars ($300) in amount to individuals pressed by lack of funds to meet immediate necessities and may charge, contract for, and receive thereon interest at a rate not exceeding three and one-half per centum (3½%) per month.

(2) No amount whatsoever shall be paid, deducted, or received in advance. Interest shall not be compounded and shall be computed only on unpaid principal balances. In addition to the interest herein provided for no further or other charge or amount whatsoever for any examination, service, brokerage, commission, expense, fee, or bonus or other things or otherwise shall be directly or indirectly charged, contracted for, or received.

(3) No person who is a licensee under this Act shall

permit any one borrower or any husband or wife individually or jointly to become indebted to him under more than one contract or loan transaction at the same time if the amount loaned to and receivable by the debtor on any one of such contract or transactions is in the amount or of the value of three hundred dollars ($300) or less and there is charged, contracted for, or received thereon, directly or indirectly, by any device, subterfuge, or pretense whatsoever, any interest, or consideration therefor greater than six per centum (6%) per annum.

(b) If any interest, consideration, or amount in excess of the interest authorized by this section is charged, contracted for, or received by any licensee under any contract of loan or loan transaction, such contract or transaction shall be void and the licensee shall have no right to collect or receive any principal, interest, or charges whatsoever.

(c) Every licensee shall:

(1) Deliver to the borrower at the time of making a loan under this Act a statement in English containing a copy of the provisions of Subdivisions (a) and (b) of this section and showing in clear and distinct terms the amount and date of the loan and the date of its maturity, the nature of the security, if any, for the loan, the name and address of the borrower and of the licensee, and the agreed rate of interest on such loan;

(2) Give to the borrower a plain and complete receipt for each payment made on account of any such loan at the time such payment is made, specifying the amount applied to interest and the amount, if any, applied to principal, and stating the amount of the unpaid principal balance of the loan;

(3) Upon the payment of the loan in full, mark indelibly with the word "Paid" or "Cancelled" every obligation and security signed by the borrower and release any mortgage,

restore any pledge, and cancel and return every note and assignment given to the licensee by the borrower.

(d) The borrower may pay all or any part of any loan at any time before the date of maturity thereof, but any such payment may first be applied by the licensee to all interest unpaid up to the date of such payment.

(e) No licensee shall take any confession of judgment or any power of attorney. Nor shall any licensee take any note, promise to pay, or security that does not accurately disclose the actual amount of the loan, the time for which it is made, and the agreed rate of interest; nor take any instrument in which blanks are left which are to be filled in after execution of such instrument. No instrument taken under authority of this Act shall be negotiable.

(f) Every licensee shall have at all times a net worth of at least ten thousand dollars ($10,000) and shall maintain at all times assets of at least ten thousand dollars ($10,000) either in liquid form available for or actually used in the making of loans under this Act at the location specified in the license.

(g) No licensee shall take any lien upon real estate as security for any loan under this Act, except such lien as may be obtained by virtue of a judgment or decree.

§ 7. (a) No person, except as authorized by this Act, shall, directly or indirectly, by any device, subterfuge, or pretense whatsoever charge, contract for, or receive, or participate, as agent, broker, or in any other capacity, in charging, contracting for, or receiving, any interest, discount, or consideration greater than six per centum (6%) per annum upon any loan in the amount or of the value of three hundred dollars ($300) or less, and no loan made in violation of the provisions of this Act shall be valid or enforceable within this Commonwealth.

(b) Any loan in the amount or of the value of three hundred dollars ($300) or less for which there has been charged, contracted for, or received a greater rate of interest, or consideration than licensees are permitted to charge, contract for, or receive under this Act is hereby declared to be against the public policy of the Commonwealth. No such loan made outside the Commonwealth shall be enforced in the Commonwealth and every person in any wise participating therein in the Commonwealth shall be subject to the provisions of this Act; except that the provisions of this subdivision shall not apply to loans legally made in any State in which there was in force at the time of making such loan a small loan law the regulatory provisions of which are similar in principle to those contained in this Act.

§ 8. No licensee shall, directly or indirectly, charge, contract for, or receive any interest, or consideration greater than six per centum (6%) per annum upon any loan in the amount or of the value of more than three hundred dollars ($300.00), or in any case in which the licensee permits any individual as borrower as an indorser, guarantor, or surety for any borrower, or otherwise, to owe directly or contingently, or both, to the licensee at any time the sum of more than three hundred dollars ($300.00) for principal.

§ 9. The payment of three hundred dollars ($300.00) or less in money, credit, goods, or things in action, as consideration for any sale, assignment, or order for the payment of wages, salary, commissions, or other compensation for services, whether earned or to be earned, shall for the purposes of this Act be deemed a loan secured by such assignment, and the amount by which such assigned compensation exceeds the amount of such consideration actually paid shall be deemed interest or charges upon such loan from the date of such payment to the date such compensation is payable. Such transaction shall be governed by and subject to the provisions of this Act.

§ 10. (a) The provisions of this Act shall be enforced

by the Commissioner, who is authorized to make such rules and regulations, in addition hereto and not inconsistent herewith, as may be necessary for the proper conduct of the business licensed hereunder and for the enforcement of this Act. The Commissioner shall make an annual examination of the affairs, business, office, and records of every licensee, and such further examinations or investigations as he shall deem necessary for the purpose of discovering violations of this Act or of securing information necessary for its proper enforcement. For every examination made under this Act the Commissioner shall charge the same fees as are allowed by statute for the examination of banks. For the purpose of making such examinations or investigations the Commissioner and his duly designated representatives shall have authority to require the attendance of and to examine under oath all persons whomsoever, whose testimony he may require, relative to the loans or business of any such licensee, and shall have free access to the accounts, paper, records, files, safes, vaults, offices, and places of business used in connection with any business conducted under any license issued in accordance with this Act.

(b) All moneys collected by the Commissioner under the provisions of this Act for license fees and examinations or otherwise shall be paid as collected into the State Treasury and then credited to an account of the Banking Department.

(c) Each licensee shall annually on or before the fifteenth day of March file with the Commissioner a report giving such information as the Commissioner may require relevant to the business and operations during the preceding calendar year of each licensed place of business conducted by such licensee in the Commonwealth. Such report shall be made under oath and in the form prescribed by the Commissioner. The Commissioner shall make and publish annually an analysis and recapitulation of such reports.

(d) Each licensee shall keep and use in his business and shall preserve for at least two years after making the final entry on any loan recorded therein, such books, accounts,

records, or card systems as will enable the Commissioner to determine whether such licensee is complying with the provisions of this Act and with the rules and regulations made pursuant thereto.

§ 11. Any individual or any member, officer, director, agent or employee of any association, partnership, or corporation, who shall violate or participate in the violation of any of the provisions of Section 2, 4 (c), 5, 6 (a), 6 (c), 6 (d), 6 (e), 6 (g), 7, 10 (c), or 10 (d) of this Act, shall, upon conviction thereof, be punished by a fine of not more than three hundred dollars ($300.00) or by imprisonment for not more than six months or both.

Any contract of loan not invalid for any other reason, in making or collection of which any act shall have been done which constitutes a misdemeanor under this section, shall be void and the lender shall have no right to collect or receive any principal, interest or charges whatsoever.

§ 12. This Act shall not apply to any person, partnership, association, or corporation doing business under and as permitted by any law of this Commonwealth or of the United States relating to banks, savings banks, trust companies, trust banking and title insurance companies, building and loan associations, co-operative market associations, credit unions, or licensed pawnbrokers.

§ 13. (a) So much of Section 4224A, Carroll's Kentucky Statutes (1930) as applies to persons licensed under this Act is hereby repealed. This Act shall not be construed as repealing or amending Section 2218 or Section 2219, Carroll's Kentucky Statutes (1930), but said sections shall not apply to loans made under authority of this Act.

(b) All other Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

§ 14. No assignment of or order for payment of any

salary, wages, commissions, or other compensation for services, earned or to be earned, when taken as security for any loan made under this Act, shall be valid unless the amount of such loan is paid to the borrower simultaneously with its execution. Under any assignment of or order for the payment of future salary, wages, commissions, or other compensation for services given as security for a loan made under this Act, there shall not at any time be collectible from the employer of the borrower more than a sum equal to ten per cent (10%) of the amount then owing to borrower for any such salary, wages, commissions or other compensation for services.

§ 15. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

§ 16. This Act shall take effect from and after its passage, approval, and publication.

Senator Rogers proposed the following amendment to said bill:

Strike out the word "the" in Section 3, Subsection "C", which is the second last word in line 31 between the words "the and con."

Strike out of line 14, page 4, the numerals ($10.00) and insert in place thereof the numerals ($10,000).

Insert in line 15, page 9, the word "in" immediately following the word "in" which is the first word in line 15.

Senator Rogers moved the adoption of said amendment.

The question being taken thereon, was decided in the affirmative and

Said amendment was adopted.

Senator Jacobs proposed the following amendment to said bill:

Amend Senate Bill No. 99 by striking therefrom Subsection (a) 1 of paragraph 6.

Senator Jacobs moved the adoption of said amendment.

The yeas and nays being required thereon by Senators Brock and Young, resulted as follows:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| H. M. Brock | Rev. C. D. McCaw | E. D. Stephenson |
| Dr. T. J. Edge | C.T.McCormick,Sr. | Joe Stewart |
| Thos. C. Ferguson | Wm. Mehler | Fred C. VanHoose |
| Walter N. Flippin | Marion F. Pogue | Sewell B. Williams |
| Wm. Isaacs | Dr. Lewis Ryans | Gates F. Young |
| L. C. Littrell | | —16 |

Those who voted in the negative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | J. S. W. Holloway | Dr. G. W. Ragan |
| W. W. Booles | Robert Humphreys | O. M. Rogers |
| Edwin C. Dawson | Alex E. Johnson | J. M. Rose |
| Chas. G. Franklin | Frank I. Lloyd | R. H. Royster |
| Perry B. Gaines | E. C. Moore | Thos. O. Turner |
| Arch Hamilton | D. C. Naive | —17 |

Said amendment was rejected.

Senator Mehler proposed the following amendment to said bill:

Amend Senate Bill No. 99 by striking out in line 5 on page 7 the words "three and one-half per centum (3½%) per month" and inserting in lieu thereof the words "three-fourths (¾) of one (1) per centum per month.

Senator Mehler moved the adoption of said amendment.

The yeas and nays being demanded thereon by Senators Brock and Young resulted as follows:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| H. M. Brock | Rev. C. D. McCaw | E. D. Stephenson |
| Dr. T. J. Edge | C.T.McCormick,Sr. | Joe Stewart |
| Thos. C. Ferguson | Wm. Mehler | Fred C. VanHoose |
| Walter N. Flippin | Marion F. Pogue | Sewell B. Williams |
| Wm. Isaacs | Dr. Lewis Ryans | Gates F. Young |
| L. C. Littrell | | —16 |

Those who voted in the negative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | J. S. W. Holloway | Dr. G. W. Ragan |
| W. W. Booles | Robert Humphreys | O. M. Rogers |
| Edwin C. Dawson | Alex E. Johnson | J. M. Rose |
| Chas. G. Franklin | Frank I. Lloyd | R. H. Royster |
| Perry B. Gaines | E. C. Moore | Thos. O. Turner |
| Arch Hamilton | D. C. Naive | —17 |

Said amendment was rejected.

Senator Rogers moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | J. S. W. Holloway | Dr. G. W. Ragan |
| W. W. Booles | Robert Humphreys | O. M. Rogers |
| Edwin C. Dawson | Frank I. Lloyd | J. M. Rose |
| Chas. G. Franklin | E. C. Moore | R. H. Royster |
| Perry B. Gaines | D. C. Naive | Thos. O. Turner |
| Arch Hamilton | | —16 |

Those who voted in the negative were:

| | | |
|---|---|---|
| H. M. Brock | L. C. Littrell | Dr. Lewis Ryans |
| Dr. T. J. Edge | Rev. C. D. McCaw | E. D. Stephenson |
| Thos. C. Ferguson | C.T.McCormick,Sr. | Joe Stewart |
| Walter N. Flippin | Wm. Mehler | Fred C. VanHoose |
| Wm. Isaacs | Ray B. Moss | Sewell B. Williams |
| Alex E. Johnson | Marion F. Pogue | Gates F. Young |
| | | —18 |

Senator Brock moved that the vote by which said bill was lost be reconsidered and that said motion lie on the table.

The yeas and nays being demanded thereon by Senators Brock and Young, resulted as follows:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| H. M. Brock | L. C. Littrell | E. D. Stephenson |
| Dr. T. J. Edge | Rev. C. D. McCaw | Joe Stewart |
| Walter N. Flippin | C.T.McCormick,Sr. | Fred C. VanHoose |
| Wm. Isaacs | Ray B. Moss | Sewell B. Williams |
| Alex E. Johnson | Marion F. Pogue | Gates F. Young |
| | | —15 |

Those who voted in the negative were:

| | | |
|---|---|---|
| W. W. Booles | Frank I. Lloyd | O. M. Rogers |
| Chas. G. Franklin | Wm. Mehler | J. M. Rose |
| Perry B. Gaines | E. C. Moore | R. H. Royster |
| Arch Hamilton | D. C. Naive | Dr. Lewis Ryans |
| J. S. W. Holloway | Dr. G. W. Ragan | Thos. O. Turner |
| Robert Humphreys | | —16 |

Therefore, said motion was lost.

Senator Ryans moved that the Senate recess until 1:30 o'clock P. M.

Said motion was agreed to.

The Senate reconvened at 1:30 o'clock P. M.

Senator Gates F. Young moved that the privileges of the floor be extended to Messrs. Fred Weir and Walter Davis.

Said motion was agreed to.

Senator Flippin moved that the privileges of the floor be extended to Messrs. Paul Depheimor, Richard Williams and Geo. Joplin, Jr., of Somerset.

Said motion was agreed to.

Senator Moss moved that the privileges of the floor be extended to Doc. Creech, W. B. Fugate, Mr. Douglas and Mr. Campbell.

Said motion was agreed to.

Bills of the following titles were introduced, referred and ordered printed, as follows, viz:

By Senator Brock.

S. B. 448. An Act to amend and re-enact Section 1550-17, Kentucky Statutes, Carroll's Edition, 1930.

To Committee on Suffrage and Elections.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1550-17. Ballots and Ballot Boxes. That Section 1550-17 be and the same is hereby amended and re-enacted so that when said section is re-enacted shall read as follows:

There shall be a separate ballot for each political party subject to this act, at the primary election provided for herein. Such ballots shall be printed in substantially the same manner as now provided by law in case of regular elections, except that on the back thereof shall be printed the words "Official Primary Ballot," and at the head thereof shall be printed the words "Official Primary Ballot," together with proper party name and the party emblem. The party emblem in each case shall be the same as that used at the last preceding regular election, unless sixty days before the primary election the proper party authority certify a different emblem to the secretary of state, in which event he shall certify the new emblem to the county clerks as herein provided.

All the official ballots designed to be voted in the primary nominating elections shall be printed in black ink upon a good quality of white ballot paper. The arrangement of each ballot shall be exactly the same for each political party, and the size and the printing shall be the same for each political party. Duplicate impressions of the ballots for each political party voted for at every primary election shall be printed upon cheaper colored paper. These colored ballots shall be used solely as sample ballots for the information and convenience of voters, and they shall not be voted or counted.

The ballots shall be printed so as to give each elector a clear opportunity to designate his choice of candidates for nomination by making with the stencil a cross in the square after the name of each candidate for whom he wishes to vote for nomination; and on the ballot may be printed such words as will aid the elector to do this, such as, "Vote for one," "Vote for two," and the like, to inform the elector of the number of candidates for whom he is entitled to vote for each office, and at the bottom or outer end of each ballot shall be prepared a secondary stub, separated from the body of the

ballot by a perforated line. Said secondary stub shall be in respects as the like stub on the ballot used at the general elections, and shall be used in like manner for the same purpose.

By Senator Gaines.

S. B. 449. An Act relating to railroad commissioners' districts.

To Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. For the purpose of electing Railroad Commissioners for the three Railroad Districts of the Commonwealth. The Commonwealth is now divided into three separate Railroad Commissioners' Districts as follows:

(1) The first district shall be composed of the following named counties:

Meade, Hardin, LaRue, Hart, Metcalfe, Barren, Monroe, Allen, Simpson, Warren, Edmonson, Grayson, Breckinridge, Hancock, Ohio, Butler, Logan, Todd, Muhlenberg, McLean, Daviess, Henderson, Webster, Hopkins, Christian, Trigg, Caldwell, Lyon, Crittenden, Union, Livingston, Marshall, Calloway, Grover, McCracken, Ballard, Hickman, Fulton, Carlisle, Wayne, Bell, Pulaski, McCreary, Cumberland.

(2) The second district shall be composed of the following named counties:

Gallatin, Owen, Scott, Fayette, Jessamine, Madison, Clark, Bourbon, Russell, Casey, Lincoln, Garrard, Boyle, Mercer, Anderson, Woodford, Franklin, Henry, Oldham, Carroll,

Trimble, Grant, Boone, Jefferson, Shelby, Spencer, Bullitt, Nelson, Washington, Marion, Taylor, Green, Adair.

(3) The third district shall be composed of the following named counties:

Kenton, Harrison, Estill, Jackson, Laurel, Rockcastle, Knox, Harlan, Leslie, Perry, Letcher, Floyd, Pike, Martin, Johnson, Breathitt, Clay, Owsley, Lee, Powell, Montgomery, Bath, Nicholas, Fleming, Robertson, Pendleton, Bracken, Campbell, Lewis, Mason, Greenup, Rowan, Carter, Elliott, Boyd, Lawrence, Morgan, Magoffin, Wolfe, Menifee, Knott, Clinton and Whitley.

All acts in conflict herewith are hereby repealed.

The Senate took up for consideration from the Orders of the Day a bill which originated in the House of Representatives of the following title:

H. B. 672. An Act to amend and re-enact an Act of the General Assembly of the Commonwealth of Kentucky of 1932 known as House Bill 245, approved by the Governor on February 2, 1932, and entitled "An Act to amend and re-enact Section 4693, Carroll's Kentucky Statutes, relating to depositories."

Senator Gaines proposed the following amendment to said bill:

Amend H. B. 672 by adding in line 21 of the printed bill after the words "State Treasurer" and before the word "and" the following, "and for bonds of the Commonwealth of Kentucky, including bridge revenue bonds."

Senator Gaines moved the adoption of said amendment.

The question being taken thereon, was decided in the affirmative.

Said amendment was adopted.

Senator Gaines proposed the following amendment to said bill:

Amend House Bill 672 by adding after the word "warrants" in lines 26, 33, and 40 of the printed bill the following in each of said lines, "and for bonds of the Commonwealth of Kentucky, including bridge revenue bonds."

Senator Gaines moved the adoption of said amendment.

The question being taken thereon was decided in the affirmative.

Said amendment was adopted.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§1. That an Act of the General Assembly of the Commonwealth of Kentucky of 1932 known as House Bill No. 245, approved by the Governor on February 2, 1932, and entitled, "An Act to amend and re-enact Section 4693, Carroll's Kentucky Statutes, relating to depositories" be amended and re-enacted so that, when amended and re-enacted, said Act approved February 2, 1932, and said Section 4693 of Carroll's Kentucky Statutes, Baldwin's 1930 Edition, shall read as follows:

"Before any bank shall be named as depository, or permitted to receive public funds, said bank shall execute to the Commonwealth of Kentucky a bond, with good surety, worth severally or jointly, not less than one hundred thousand dollars ($100,000.00) to be approved by the Treasurer and Governor, conditioned that said bank will pay over, when demanded, all money deposited with it by the Treasurer, and

otherwise faithfully comply with the requirements of the law relating to it as a depository. The bond shall be filed with and be recorded by the Secretary of State, and shall be renewed at least once in every two years and oftener if required by the Treasurer. Or, in lieu of the bond herein provided for, said bank may pledge with the State Treasurer, to secure said deposit, and for that purpose the State Treasurer may accept warrants issued by the Auditor of Public Accounts against the State Treasurer and/or such government bonds as are direct obligations of the United States Government, provided that such warrants and/or bonds shall have a total face value in an amount at least ten per centum (10%) in excess of said deposit and provided further that the State Treasurer shall at all times require such pledge of State warrants and/or United States bonds as will have a currently quoted market value at least equal to said deposit and for that purpose the Treasurer and Governor shall from time to time call for additional security of such warrants or such bonds, as current market values may require. A written receipt for which warrants and/or bonds so pledged shall be delivered by the Treasurer to the depository pledging same. And the Commonwealth of Kentucky shall be liable to said bank for the safe keeping of State warrants and/or United States bonds pledged under this Act, while so pledged, and to enforce said liability said bank is hereby granted permission to maintain an action against the Commonwealth in the Franklin Circuit Court from the judgment of which court an appeal by either party shall lie to the Court of Appeals as in other cases provided. The execution of this bond, for the deposit of the public funds in banks named as depositories, or the pledge of State warrants and/or Government bonds shall not in any wise diminish the liability of the Treasurer and his sureties upon his bond; nor shall the execution of said bond nor the pledge hereunder impair or delay the right of the Commonwealth to recover on the Treasurer's bond for any loss or misapplication of the public funds or other delinquency in office. Neither shall the execution of the bond by the bank nor said pledge impair or delay in any way the right of the Commonwealth to recover from any delinquent or de-

faulting bank, or the officers or stockholders thereof, in the same manner as other depositories."

All laws or parts of laws inconsistent with this Act are hereby repealed.

Whereas, because of the current financial stringency and the practically insuperable difficulties now encountered by the State depository banks in securing depository bonds, a flight of capital from the State, to the irreparable injury of agriculture and industry is imminent, an emergency is declared to exist and this bill shall take effect upon its passage and approval by the Governor.

Ordered that said bill be read the third time.

Senator Franklin moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Chas. G. Franklin | Frank I. Lloyd |
| W. W. Booles | Perry B. Gaines | Rev. C. D. McCaw |
| H. M. Brock | J. S. W. Holloway | C.T.McCormick,Sr. |
| Edwin C. Dawson | Robert Humphreys | Wm. Mehler |
| Dr. T. J. Edge | Wm. Isaacs | E. C. Moore |
| Thos. C. Ferguson | Alex E. Johnson | Ray B. Moss |
| Walter N. Flippin | L. C. Littrell | D. C. Naive |

| | | |
|---|---|---|
| Marion F. Pogue | R. H. Royster | Fred C. VanHoose |
| Dr. G. W. Ragan | Dr. Lewis Ryans | Sewell B. Williams |
| O. M. Rogers | E. D. Stephenson | Gates F. Young |
| J. M. Rose | Joe Stewart | —32 |

Resolved that the title thereof be as aforesaid.

Senator Franklin moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

A message was received from the House of Representatives announcing that they had passed bills of the following titles:

H. B. 628. An Act to repeal Section 3766e-9, Carroll's Kentucky Statutes, 1930 Edition, which is Section 9 of Chapter 164, Acts of 1928, approved by the Governor on February 29, 1928, and Section 2 of Senate Bill No. 4, which was approved by the Governor on February 5, 1932, both relating to the employment for the Kentucky National Park Commission.

It was ordered that said bill be referred to the Committee on National Parks.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§1. That Section 3766e-9, Carroll's Kentucky Statutes, 1930 Edition, which is Section 9 of Chapter 164, Acts of 1928, and Section 2 of Senate Bill No. 4, which was approved by the Governor of the Commonwealth on February 5, 1932, both relating to the employment of attorneys for the National Park Commission, be and the same are hereby repealed in their entirety.

§ 2. Whereas, the employment of attorneys as provided for by the foregoing Statute and the foregoing Senate Bill is an unnecessary expenditure of the taxpayers' money, for the purpose of the practicing of economy and the saving of said taxpayers' money, an emergency is declared to exist and this Act shall take effect upon its passage by the General Assembly of the Commonwealth of Kentucky and approval by the Governor.

H. B. 619. An Act relating to the creation of a State public building insurance fund, governing hazards of loss, damage or injury to State public buildings by fire, tornado, windstorm or other casualties.

It was ordered that said bill be referred to the Committee on Kentucky Statutes No. 1.

Said bill reads as follows:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That, that portion of State Highway No. 32 from Morehead in Rowan County, via Flemingsburg, Elizaville, Cowan Station, Myers Station, Carlisle and connecting with U. S. Highway No. 68 near the residence of Oscar Johnson in Nicholas County, be and the same is hereby named and designated the "Plummer Highway" in honor of the Hon. A. P. Plummer of Flemingsburg, Ky.

The Senate took up for consideration from the Orders of the Day a bill of the following title:

S. B. 303. An Act relating to licensing or taxing of vehicles in cities of this Commonwealth of the second, third, fourth, fifth and sixth classes used or let for hire, and used by farmers and manufacturers of farm products and delivered by vehicles not for hire in cities of the second, third, fourth, fifth or sixth classes.

Senator Moore moved that said bill be laid on the table.

The question being taken thereon, was decided in the affirmative.

Said bill was laid on the table.

Senator McCormick moved that the vote by which S. B. 99 was lost be reconsidered and that said bill be made a special order for Monday, February 29, at 3 o'clock P. M.

The yeas and nays being demanded thereon by Senators Brock and McCormick, resulted as follows, viz:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Robert Humphreys | Dr. G. W. Ragan |
| W. W. Booles | Frank I. Lloyd | O. M. Rogers |
| Edwin C. Dawson | Rev. C. D. McCaw | J. M. Rose |
| Chas. G. Franklin | C.T.McCormick,Sr. | R. H. Royster |
| Perry B. Gaines | Wm. Mehler | Dr. Lewis Ryans |
| Arch Hamilton | E. C. Moore | Thos. O. Turner |
| J. S. W. Holloway | D. C. Naive | —20 |

Those who voted in the negative were:

| | | |
|---|---|---|
| H. M. Brock | Silas Jacobs | Marion F. Pogue |
| Dr. T. J. Edge | Alex E. Johnson | Joe Stewart |
| Thos. C. Ferguson | L. C. Littrell | Sewell B. Williams |
| Walter N. Flippin | Ray B. Moss | Gates F. Young |
| Wm. Isaacs | | —13 |

Therefore, said bill was made a special order for Monday, February 29, at 3 o'clock P. M.

Senator Gates F. Young moved that the vote by which S. B. 244 was passed be reconsidered.

The question being taken thereon, it was decided in the affirmative.

Therefore, said bill was placed in the Orders of the Day.

The Senate took up for consideration from the Orders of the Day a bill of the following title:

S. B. 101. An Act to further regulate motor trucks, semi-trailer trucks, semi-trailers, and trailers, to enlarge the powers of the State Highway Commission, County Courts, and cities and incorporated towns in respect thereof, to provide for enforcement of the Act and penalties for violations thereof, and repealing all laws inconsistent therewith.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. Definitions:

When used in this Act:

"Motor truck" means any motor-propelled vehicle designed for carrying freight or merchandise and not operated or driven on fixed rails or tracks; but it shall not include self-propelled vehicles designed primarily for passenger transportation, but equipped with frames, racks or bodies having a load capacity not exceeding 1,000 pounds.

"Semi-trailer Truck" means any motor-propelled vehicle, not operated on fixed rails or tracks, designed to draw, and to support the front end of, a semi-trailer, which, together with the tractor, shall be considered to be one unit.

"Semi-Trailer" means a vehicle designed to be attached to, and having its front end supported by a motor truck or truck tractor, and intended for the carrying of freight or merchandise and with a load capacity of over 1,000 pounds.

"Trailer" means any vehicle designed to be drawn by a motor truck or truck tractor, but supported wholly upon its own wheels, and intended for the carriage of freight or merchandise and with a load capacity of over 1,000 pounds.

"Person" shall include individuals, partnerships, associations, trusts and corporations, and the receivers, assignees or agents of any of them.

"Highway" shall include any public road, street, avenue, alley or boulevard, bridge, viaduct or trestle, and the approaches thereto, within the limits of the Commonwealth of Kentucky.

"Commission" shall mean the State Highway Commission of Kentucky.

(Trailers)

§ 2. No person shall operate any trailer on any highway.

(Weight)

§ 3. No person shall operate on any highway any motor truck or semi-trailer truck whose gross weight, including load, shall exceed 13,000 pounds.

(Height)

§ 4. No person shall operate on any highway any motor truck or semi-trailer truck whose height, including any part of body or load, shall exceed 11½ feet, but nothing herein contained shall be construed to require the public authorities to provide sufficient vertical clearances to permit the operation of vehicles with a height of 11½ feet.

(Width)

§ 5. No person shall operate on any highway any motor truck or semi-trailer truck whose width, including any part of body or load, shall exceed 96 inches.

(Length)

§ 6. No person shall operate on any highway any motor truck whose length, including any part of body or load, shall

exceed 25 feet, nor any semi-trailer truck whose length, including any part of body or load, shall exceed 30 feet.

(Speed)

§ 7. No person shall operate any motor truck or semi-trailer truck on any highway outside cities or incorporated towns at a greater speed than 30 miles per hour, if its gross weight, including load, exceeds 5,000 pounds, or at a greater speed than 40 miles per hour, if its gross weight, including load, shall be 5,000 pounds or less, and inside the limits of cities and incorporated towns the maximum speed limits shall be 20 miles per hour and 25 miles per hour, respectively.

(Speed Governor)

§ 8. No person shall operate any motor truck or semi-trailer truck on any highway unless said motor truck or semi-trailer truck shall be equipped with a suitable mechanical device, in good order and working condition, which shall automatically prevent the operation of such motor truck or semi-trailer at a speed in excess of the maximum speed authorized for the class of motor trucks or semi-trailer trucks to which said motor truck or semi-trailer truck may belong, as provided in Section 7 hereof.

(Brakes on Semi-Trailers)

§ 9. No person shall operate any semi-trailer on any highway unless said semi-trailer shall be equipped with efficient brakes of such design and character that they may be operated and controlled by the operator of the truck or tractor to which said semi-trailer is attached.

(Stop Lights)

§ 10. No person shall operate any motor truck or semi-trailer truck on any highway unless it shall be equipped with a yellow or red light which shall automatically indicate the application of brakes and be visible from the rear a distance of not less than 200 feet.

(Clearance Lights)

§ 11. No person shall operate on any highway a motor truck or semi-trailer truck having a width of any part in excess of 84 inches, unless said motor truck or semi-trailer truck shall carry at least two clearance lights to indicate the outside left limit of said motor truck or semi-trailer truck, one light, colored white or green, to be attached to and visible from the front of said truck or semi-trailer truck, and one light, colored red, to be attached to and visible from the rear thereof, in each case a distance of not less than 500 feet.

(Reduced Load and Speed Limits)

§ 12. Anything in this act to the contrary notwithstanding, the Commission, in respect of State highways or roads designated as part of the State system of primary roads, and county courts, or the judges thereof, in respect of county roads, may prescribe, by notice hereinafter provided, load and speed limits lower than the limits prescribed in Sections 3 and 7 hereof, respectively, whenever in its or their judgment any road or part thereof, or any bridge or culvert, shall, by reason of its design, deterioration, rain or other climatic or natural causes, be liable to be damaged or destroyed by motor trucks or semi-trailer trucks, if the gross weight or speed thereof shall exceed the limits prescribed in said notice; and said Commission, or county courts, or the judges thereof, may, by like notice, regulate or prohibit, in whole or in part, the operation of motor trucks or semi-trailer trucks on State highways, or county roads, or specified parts thereof, for limited periods or specified days, or parts of days, whenever, in its or their judgment, such regulation or prohibition is necessary to provide for the public safety and convenience on said highways or roads, or part thereof, by reason of traffic density or intensive use thereof by the traveling public. Said notice, or the substance thereof, shall be posted at conspicuous places at the termini of and at all intermediate crossroads and road junctions with the section of road to which said notice shall apply. After any such notice shall have been so posted, the operation of any motor truck or semi-trailer truck contrary to its provisions shall constitute a violation of this act.

(Exemptions)

§ 13. (a) The provisions of this act shall not apply to motor trucks, semi-trailer trucks or trailers, owned by, or by any agency of, the United States, the Commonwealth of Kentucky, or any county or city or incorporated town therein.

(b) If any motor truck, semi-trailer truck or trailer, shall be licensed by any city or incorporated town in this state, and the registration plate or plates issued as evidence of said license shall be conspicuously exhibited on said motor truck, semi-trailer truck or trailer in the manner required by ordinance, the provisions of Sections 2, 3, 4, 5, 6, 9, 10 and 11 hereof shall not apply to the operation of such motor truck, semi-trailer truck or trailer, within the limits of the city or incorporated town issuing such license, or within ten miles of the limits thereof, if it be a city of the first, second, third or fourth class, or within five miles of the limits thereof, if it be a town of the fifth or sixth class. Provided, that all cities and incorporated towns are hereby empowered to provide, by ordinance, maximum limits with respect to the weight, height, width and length of motor trucks, semi-trailer trucks and trailers within their respective boundaries, not less, however, than the maximum limits prescribed in Sections 3, 4, 5 and 6 hereof, to authorize the operation of trailers therein, to impose license taxes on motor trucks, truck tractors, semi-trailers and trailers, and to require that all vehicles to which licenses may be issued shall affix the registration plate or plates issued as evidence of said licenses to said vehicles in some conspicuous place, to be prescribed by ordinance.

(c) The Commission is hereby authorized to prescribe, by orders of general application, rules and regulations for the issuance by it of permits for the operation of motor trucks, semi-trailer trucks and trailers, whose gross weight including load, height, width or length may exceed the limits prescribed by Sections 3, 4, 5 and 6 hereof. Said permits may be issued by said Commission for limited periods and for special purposes and to meet unusual conditions, and said Commission shall require, as a condition to the issuance of said permits,

that the applicant pay a reasonable fee therefor, to be fixed by the Commission, and may require that the applicant give bond, with approved surety, to indemnify the State, and/or the counties thereof, against damage to roads or bridges resulting from the use thereof by the applicant. The operation of motor trucks, semi-trailer trucks or trailers, in accordance with the terms of any such permit, shall not constitute a violation of this act, provided the operator thereof shall have said permit in his possession. The operation of any motor truck, semi-trailer truck or trailer, in violation of the terms of any such permit, shall constitute a violation of this act.

(Penalties)

§ 14. The operation of any motor truck, semi-trailer truck or trailer, in violation of any section of this act, or of the terms of any special permit issued hereunder, shall constitute a misdemeanor, and shall subject the owner thereof, if such violation was with his knowledge or consent, and the operator thereof, to a fine of not less than $15.00, nor more than $200.00, and the costs of prosecution. Prosecutions under this act may be by summary arrest, warrant or summons, as provided in the Criminal Code, or by information as provided in Section 1141, Kentucky Statutes.

(Jurisdiction of Offenses)

§ 15. Quarterly courts and the judges thereof, justices of the peace and police or city judges, shall have concurrent jurisdiction with circuit courts in the trial of all offenses under this act, committed within their respective jurisdictions, and said courts shall always be open for the trial of such offenses.

§ 16. Any officer hereinafter in Sections 17 and 18 enumerated, who shall be in uniform or who shall exhibit his badge or other evidence of authority, having reason to believe that the height, length, width or weight of any motor truck, semi-trailer truck or trailer, is in excess of the maximum limits prescribed by this act or permitted by any special permit issued under the terms hereof, is authorized to measure

or weigh the same, either by means of portable or stationary scales, and may require such vehicle to be driven to the nearest stationary scales, in the event such scales are within a distance of five miles. Said officer shall require the operator of said motor truck, semi-trailer truck or trailer, to unload such portion of load as may be necessary to decrease the gross weight of such vehicle to the maximum gross weight permitted by this act or by the terms of any special permit in the possession of such operator and issued under the provisions of Section 13 hereof (which excess load, when unloaded, shall be at the sole risk of the owner), or, at the election of the operator, said officer shall permit said operator to move such vehicle, with its load, to the nearest incorporated town or the nearest court having jurisdiction, at which place said excess load shall be unloaded. The refusal of any such operator to permit his motor truck, semi-trailer truck or trailer to be measured or weighed, or to proceed to a stationary scales, or to unload the excess load, shall constitute violations of this act.

(Enforcement)

§ 17. Any peace officer, including sheriffs and their deputies, constables and their deputies, police officers and marshals of cities or incorporated towns, county police or patrols, and special officers appointed by any agency of the Commonwealth of Kentucky for the enforcement of its laws relating to motor vehicles, now existing or hereafter enacted, shall be authorized, and it is hereby made the duty of each of them to enforce the provisions of this act and to make arrests for any violation or violations thereof, and for violations of any other law relating to motor vehicles, without warrant if the offense be committed in his presence, and with warrant or summons if he does not observe the commission of the offense. When in pursuit of an offender for any offense committed within his jurisdiction, any such officer may follow and effect an arrest beyond the limits of his jurisdiction. If the arrest be made without warrant, the accused may elect to be immediately taken before the nearest court having jurisdiction, whereupon it shall be the duty of the officer to so take

him. If the accused elect not to be so taken, then it shall be the duty of the officer to require of the accused a bail-bond in a sum not less than $500.00, conditioned that the accused binds himself to appear in the court of jurisdiction at the time fixed in the bond, not however in any case later than six days from the day of arrest. In case the arrested person fails to appear on the day fixed, the bond shall be forfeited in the manner as is provided for the forfeiture of bonds in other cases. No officer shall be permitted to take a cash bond. The officer making the arrest and taking the bond shall report the same to the court having jurisdiction within eighteen hours after taking such bond.

§ 18. In addition to all other enforcement agencies, the Commission and the State Tax Commission are hereby authorized to issue commissions to their employees, or any of them, as highway patrols, and such employees, when so commissioned, shall have all the powers of peace officers in respect of the enforcement of this act and of all the laws relating to motor vehicles, and particularly the powers hereinabove in Section 17 granted to other officers.

(Scales)

§ 19. The Commission is authorized to designate, furnish instructions to, prescribe rules and regulations for the conduct of, and to supervise official stations for determining the weight of motor vehicles at such points as to it may seem necessary, but at not less than one point in each county, which stations shall comply with the requirements of the Commission, and shall be available for the use of all officers in the enforcement of this act. Said Commission is authorized to purchase portable scales suitable for weighing motor vehicles, and to place said scales in the charge of any officers authorized to enforce this law. The expenses of said weighing stations and the cost of purchasing and maintaining said scales shall be paid out of any funds made available for the use of the Commission.

(Rewards)

§ 20. Any of said officers, other than said special officers or employees of the Commission or State Tax Commission, making an arrest of any person for any violation of this act shall upon final conviction of the defendant receive a fee of $5.00 to be taxed as costs and recovered of the defendant as other costs.

§ 21. All fines and bond forfeitures collected under the provisions of this act shall be credited to the Commission and disbursed by it for the enforcement of this act.

§ 22. It is hereby declared to be the public policy of this State that heavy motor trucks, alone or in combination with other vehicles, increase the cost of highway construction and maintenance, interfere with and limit the use of the highways for normal traffic thereon, and endanger the safety and lives of the traveling public, and that the regulations embodied in the foregoing act are necessary to achieve economy in highway costs, and to permit the highways to be used freely and safely by the traveling public. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional or void, the remaining provisions shall continue in full force and effect, it being the legislative intent that this act would have been adopted had such unconstitutional or void provisions not been included therein.

§ 23. All laws or parts of laws in conflict with the provisions of this act, to the extent of such conflict, are hereby repealed.

Said bill reads as follows:

The Committee on Motor Vehicles and Transportation proposed the following amendment to said bill:

Page 3, Section 6, line 2, change the figures 25 to 26½.

Amend Section 13 as follows:

Paragraph (c). The Commission is hereby authorized to prescribe by orders of general application, rules and regulations for the issuance by it of permits for the operation of motor trucks, tractors, semi-trailers, and trailers, whose gross weight including load, height, width or length, may exceed the limit prescribed by sections 3, 4, 5, and 6 hereof, or which, in other respects fail to comply with the requirements of this Act. Said permits may be issued by said Commission for stated periods and for special purposes and to meet unusual conditions, and upon such terms and conditions in the interest of public safety and the preservation of the highways as the Commission may, in its discretion, require. Said Commission shall require, as a condition to the issuance of such permit, that the applicant pay a reasonable fee therefor, to be fixed by the Commission, and may require that the applicant give bond, with approved surety, to indemnify the State, and/or the counties thereof, against damage to roads or bridges resulting from the use thereof by the applicant.

The operation of motor trucks, tractors, semi-trailers or trailers, in accordance with the terms of any such permit shall not constitute a violation of this Act, provided the operator thereof shall have said permit, or copy thereof authenticated as the Commission may require, in his possession.

The operation of any motor truck, tractor, semi-trailer or trailer in violation of the terms of any such permit, shall constitute a violation of this Act.

Further amend Section 13 by adding a new paragraph:

(d). The limitations herein prescribed by Section 3 shall not apply, prior to January 1, 1933, to any motor truck or semi-trailer truck which shall have been registered and shall have paid the annual registration fee as provided by the law of this State, before the date upon which this Act shall be approved by the Governor, or before the date this Act shall become a law without the approval of the Governor, but shall,

as to such vehicles, be and become in full force and effect on and after January 1, 1933.

Senator Franklin moved the adoption of said amendment.

The question being taken thereon, was decided in the affirmative.

Said amendment was adopted.

The Committee on Motor Vehicles and Transportation proposed the following amendment to said bill:

Amend Senate Bill 101, by deleting the figures and words "13,000 pounds" in line 3 of Section 3, page two of the printed bill and inserting in lieu thereof the words and figures "18,000 pounds."

Senator Franklin moved the adoption of said amendment.

The question being taken thereon, was decided in the affirmative.

Said amendment was adopted.

Senator Franklin proposed the following amendment to said bill:

Amend Senate Bill No. 101, Section 13 of the printed bill, by making the following changes therein:

By inserting in line 28 the word "tractors" after the word "motor-truck" by adding the letter "s" to the word "semi-trailer" in the same line; by striking out the word "trucks" where it follows the word "semi-trailer" in the same line.

By inserting in line 30 after the word "hereof" the fol-

lowing words: "or which in other respects fail to comply with the requirements of this act."

By striking out in line 31 the word "limited" and substituting therefor the word "stated."

By inserting in line 32 after the word "conditions" the following words: "and upon such terms and conditions in the interest of public safety and the preservation of the highways as the Commission may, in its discretion, require." And by striking out the word "And" immediately preceding the word "said" in the same line; and by substituting a capital "S" for a small "s" in the word "said" in the same line.

By inserting the word "tractors" in line 38 after the word "motor-trucks" by adding an "s" to the word "semi-trailer" in the same line; by striking out the word "trucks" after the word "semi-trailer" in the same line.

By inserting in line 40 after the word "permit" the following words, "or a copy thereof, authenticated as the Commission may require."

By inserting in line 41 the word "tractor" after the word "motor-truck"; and by striking out the word "truck" after the word "semi-trailer" in the same line.

Senator Franklin moved the adoption of said amendment.

The question being taken thereon, was decided in the affirmative.

Said amendment was adopted.

Senator Van Hoose proposed the following amendment to said bill:

Amend Senate Bill No. 101, Section 3, page 2, by striking out line 3 of said section in its entirety and inserting in lieu

thereof the following so that said section as amended shall read as follows:

"No person shall operate on any highway any motor truck or semi-trailer truck whose gross weight including load shall exceed 21,000 pounds, if wholly equipped with pneumatic tires, or 6,000 pounds if not wholly equipped with pneumatic tires.

Senator Van Hoose moved the adoption of said amendment.

The question being taken thereon, was decided in the negative and

Said amendment was rejected.

Senator Allie W. Young moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Dr. T. J. Edge | Perry B. Gaines |
| W. W. Booles | Thos. C. Ferguson | J. S. W. Holloway |
| H. M. Brock | Walter N. Flippin | Robert Humphreys |
| Edwin C. Dawson | Chas. G. Franklin | Wm. Isaacs |

| | | |
|---|---|---|
| Silas Jacobs | Ray B. Moss | Dr. Lewis Ryans |
| Alex E. Johnson | D. C. Naive | E. D. Stephenson |
| L. C. Littrell | Marion F. Pogue | Joe Stewart |
| Frank I. Lloyd | Dr. G. W. Ragan | Thos. O. Turner |
| Rev. C. D. McCaw | O. M. Rogers | Sewell B. Williams |
| C.T.McCormick,Sr. | J. M. Rose | Allie W. Young |
| Wm. Mehler | R. H. Royster | Gates F. Young |
| E. C. Moore | | —34 |

Those who voted in the negative were:

Fred C. VanHoose —1

Resolved that the title thereof be as aforesaid.

Senator Allie W. Young moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

## ENROLLMENT REPORT

Senator Stewart, of the Committee on Enrollment, reported that they had examined and found correctly enrolled, bills and resolutions which originated in the Senate, of the following titles:

S. Res. 18. A Resolution concerning the preservation of Natural Scenery Around Frankfort.

S. B. 192. An Act to establish an employment service; providing for cooperative agreement with county, municipal, school and Federal Government agencies; prescribing the duties and authority of the chief officer of the Department of Labor to carry out the objects of this Act.

S. B. 87. An Act relating to the conveyance of the Perryville Battlefield to the United States of America for National Cemetery or park purposes.

S. B. 67. An Act to amend an act entitled "An Act to provide for the distraining for graded common school taxes in graded common school districts other than those in cities of the first, second, third or fourth class," being Chapter 59 of the Acts of the General Assembly of 1928, approved March 17, 1928, and to provide additional remedies for the collection of school taxes in said graded common school districts.

S. B. 255. An Act to regulate traffic over and upon bridges and ferries now or hereafter owned or operated by the Commonwealth of Kentucky through its agent, the State Highway Commission of Kentucky; making it unlawful for any person, except those specifically exempted by this Act, to pass over or upon any bridge or ferry so owned or operated without paying the required toll; vesting in collectors of tolls stationed at or upon any bridge or ferry so owned or operated with the powers of peace officers; vesting in the State Highway Commission of Kentucky power to make rules and regulations for the enforcement of this Act, and, also, prescribing penalties for the commission of offense defined in this act.

S. B. 141. An Act to amend and re-enact Section 2622 of the Kentucky Statutes compiled by the Honorable John D. Carroll.

S. B. 265. An Act to regulate the distribution and sale, the selling or exposing for sale, of agricultural seed; defining same, providing for inspection thereof and fixing penalties for violation of this act; naming the enforcing agent; prescribing his duties and empowering him to make rules and regulations necessary to carry out the intent and meaning of this act; to provide means for carrying out its provisions; and to repeal all laws or parts of laws in conflict with this act.

Whereupon all other business was suspended; said bills and resolutions were read at length and compared in open Senate, and were found to be correctly enrolled. Thereupon, the President of the Senate, in open session, in the presence of the Senate, affixed his signature to said bills and resolutions.

Ordered that the Enrolling Clerk deliver said bills and resolutions to the House of Representatives.

After a time the Enrolling Clerk delivered the original and enrolled bills and resolutions which originated in the Senate, to the Clerk.

Ordered that the Clerk deliver the enrolled bills and resolutions which originated in the Senate, and which had been signed by the presiding officers of the Senate and House of Representatives, to the Governor.

After a time, the Clerk reported that he had performed that duty.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. B. 244. An Act amending Section 579, Kentucky Statutes, Carroll's 1930 Edition, relating to banks and banking, and empowering banks, trust companies, and combined banks and trust companies to pledge certain assets as security for public funds of the United States, State, municipal, county, public schools, taxing districts, and other public funds.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Section 579, Kentucky Statutes, Carroll's 1930 edition, be and the same hereby is amended so that said section as amended shall read as follows: When the articles are filed and recorded as provided by law it may commence business and shall thereupon become a body corporate, and to be known by and carry on its business in its corporate name, and as such shall have power to adopt and use a corporate seal; to make contracts; sue and be sued; to appoint, remove and

elect officers, define their duties, and require from any of them a bond for the faithful discharge of their duties, to prescribe, by its board of directors, by-laws for the government of the bank not inconsistent with law; to exercise, subject to law, such powers as may be necessary to carry on the business of banking by discounting and negotiating notes, drafts, bills of exchange, and other evidences of debt, and purchasing bonds, receiving deposits, and allowing interest thereon, buying and selling exchange, coin and bullion, and lending money on personal or real security, as provided in this article. Any bank or trust company may accept for payment at a future date drafts or bills of exchange drawn upon it by its customers and issue letters of credit authorizing the holders thereof to draw drafts upon it or its correspondents at sight or on time, not exceeding one year, and may also accept drafts or bills of exchange drawn upon it, having not more than six months' sight to run, growing out of transactions involving the importation and exportation of goods, and any bank or trust company may discount acceptances which are based upon the importation or exportation of goods and which have a maturity at time of discount of not more than three months and are indorsed by at least one other bank or trust company, but no bank or trust company shall accept such drafts or bills of exchange to an amount equal at any time in the aggregate to more than one-half of its paid-up and unimpared capital stock and surplus, except by authority of the banking commissioner under such general regulations as said commissioner may prescribe and in no event to an amount exceeding the capital stock and surplus of such bank or trust company; and such regulations shall apply to all banks or trust companies alike regardless of the amount of capital stock and surplus. In addition to the powers heretofore conferred upon and now possessed by banks, trust companies, and combined banks and trust companies doing business under the laws of this State, they are hereby authorized and empowered, subject to charter limitations to pledge such portion of their assets as may be required as collateral security for the depositor and/or deposits of public funds deposited with them, or any of them, by or under the authority of the United States, the Common-

wealth of Kentucky, or any county, municipality, public school district, or other taxing district within the Commonwealth of Kentucky, or by any tax collector or other person having the legal custody or control of any such public fund or funds.

§ 2. All acts and parts of acts in conflict, are hereby repealed.

§ 3. On account of the financial conditions generally and of the difficulty in obtaining security and protection for the deposit of public funds, an emergency is declared to exist and this act shall become effective immediately upon its passage and approval by the Governor.

Ordered that said bill be read the third time.

Senator Franklin moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Chas. G. Franklin | L. C. Littrell |
| W. W. Booles | Perry B. Gaines | Frank I. Lloyd |
| H. M. Brock | J. S. W. Holloway | Rev. C. D. McCaw |
| Edwin C. Dawson | Robert Humphreys | C.T.McCormick,Sr. |
| Dr. T. J. Edge | Wm. Isaacs | Wm. Mehler |
| Thos. C. Ferguson | Silas Jacobs | E. C. Moore |
| Walter N. Flippin | Alex E. Johnson | Ray B. Moss |

| | | |
|---|---|---|
| Marion F. Pogue | R. H. Royster | Fred C. VanHoose |
| Dr. G. W. Ragan | Dr. Lewis Ryans | Sewell B. Williams |
| O. M. Rogers | E. D. Stephenson | Gates F. Young |
| J. M. Rose | Joe Stewart | —32 |

Those who voted in the negative were:

D. C. Naive —1

Resolved that the title thereof be as aforesaid.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. B. 399. An Act relating to intoxicating liquor and to repeal section 2554a-18 Kentucky Statutes, 1930, Carroll's Edition, being Section 18 of Chapter 33 of the Acts of 1922.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section 2554a-18, Kentucky Statutes (1930) Carroll's Edition, being Section 18 of Chapter 33 of the Acts of 1922 session of the General Assembly, be and the same is hereby repealed.

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

Senator McCormick moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| W. W. Booles | L. C. Littrell | O. M. Rogers |
| H. M. Brock | Frank I. Lloyd | J. M. Rose |
| Edwin C. Dawson | Rev. C. D. McCaw | Dr. Lewis Ryans |
| Walter N. Flippin | C.T.McCormick,Sr. | E. D. Stephenson |
| Perry B. Gaines | Wm. Mehler | Joe Stewart |
| J. S. W. Holloway | D. C. Naive | Thos. O. Turner |
| Robert Humphreys | Marion F. Pogue | Sewell B. Williams |
| Silas Jacobs | Dr. G. W. Ragan | Allie W. Young |
| Alex E. Johnson | | —25 |

Those who voted in the negative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | R. H. Royster | Fred C. VanHoose |
| Dr. T. J. Edge | | —4 |

Resolved that the title thereof be as aforesaid.

Senator McCormick moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the House of the following title:

H. B. 218. An Act relating to intoxicating liquors and to repeal section 2554a-17, Kentucky Statutes, 1930, Carroll's edition, and being section 17 of Chapter 33 of Acts of 1922.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section 2554a-17, Kentucky Statutes, 1930, Carroll's Edition, being section 17 of chapter 33 of Acts 1922, session of the General Assembly be and the same is hereby repealed.

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

Senator Stephenson moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| W. W. Booles | Robert Humphreys | Wm. Mehler |
| H. M. Brock | Wm. Isaacs | E. C. Moore |
| Edwin C. Dawson | Silas Jacobs | D. C. Naive |
| Thos. C. Ferguson | Alex E. Johnson | Marion F. Pogue |
| Walter N. Flippin | L. C. Littrell | Dr. G. W. Ragan |
| Chas. G. Franklin | Frank I. Lloyd | O. M. Rogers |
| Perry B. Gaines | Rev. C. D. McCaw | Dr. Lewis Ryans |
| J. S. W. Holloway | C.T.McCormick,Sr. | E. D. Stephenson |

Joe Stewart Sewell B. Williams Allie W. Young
Thos. O. Turner —28

Those who voted in the negative were:

Jas. H. Bondurant J. M. Rose Fred C. VanHoose
Dr. T. J. Edge R. H. Royster —5

Resolved that the title thereof be as aforesaid.

Senator Stephenson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. B. 351. An Act to authorize the State Librarian to furnish without cost to the Library of the University of Kentucky certain duplicate public documents and books when authorized by the trustees to do so.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the State Librarian be and he is hereby authorized to furnish, free of charge, to the Library of the University of Kentucky, such duplicates of public documents and books which may be in the State Library, as the trustees of the said State Library may, from time to time, in their discretion authorize him to furnish.

Ordered that said bill be read the third time.

Senator Moss moved that the third reading of said bill at

length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Alex E. Johnson | O. M. Rogers |
| W. W. Booles | Frank I. Lloyd | J. M. Rose |
| Edwin C. Dawson | Rev. C. D. McCaw | R. H. Royster |
| Dr. T. J. Edge | C.T.McCormick,Sr. | Dr. Lewis Ryans |
| Walter N. Flippin | Wm. Mehler | Joe Stewart |
| Chas. G. Franklin | E. C. Moore | Fred C. VanHoose |
| Arch Hamilton | Ray B. Moss | Sewell B. Williams |
| J. S. W. Holloway | D. C. Naive | Allie W. Young |
| Robert Humphreys | Marion F. Pogue | Gates F. Young |
| Silas Jacobs | Dr. G. W. Ragan | —29 |

Resolved that the title thereof be as aforesaid.

Senator Moss moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. B. 325. An Act to repeal and re-enact Chapter 118 of the Acts of the General Assembly of 1922, relating to roads and highways.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That Chapter 118 of the Acts of the General Assembly of 1922 be repealed and re-enacted so as to read as follows:

Project 23 from Lexington to Nicholasville to Kentucky-Tennessee State line near Huntersville via Lancaster, Stanford, Hustonville, Liberty and Jamestown to Sewellton, and from Sewellton to Albany by such route as may be selected and determined upon by the State Highway Commission. By connecting Danville to Camp Dick Robinson on Project 23.

Ordered that said bill be read the third time.

Senator Dawson moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Walter N. Flippin | Wm. Isaacs |
| W. W. Booles | Chas. G. Franklin | Silas Jacobs |
| H. M. Brock | Perry B. Gaines | Alex E. Johnson |
| Edwin C. Dawson | Arch Hamilton | L. C. Littrell |
| Dr. T. J. Edge | J. S. W. Holloway | Frank I. Lloyd |
| Thos. C. Ferguson | Robert Humphreys | Rev. C. D. McCaw |

| | | |
|---|---|---|
| C.T.McCormick,Sr. | Dr. G. W. Ragan | Joe Stewart |
| Wm. Mehler | O. M. Rogers | Thos. O. Turner |
| E. C. Moore | J. M. Rose | Fred C. VanHoose |
| Ray B. Moss | R. H. Royster | Sewell B. Williams |
| D. C. Naive | Dr. Lewis Ryans | Allie W. Young |
| Marion F. Pogue | E. D. Stephenson | Gates F. Young |

—36

Resolved that the title thereof be as aforesaid.

Senator A. W. Young moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. B. 330. An Act to amend Chapter 203 of the Acts of the General Assembly of 1926, which is under Section 4356t-17-2 of Carroll's 1930 Edition, Kentucky Statutes, relating to roads and highways, and establishing and creating Road Project No. 144.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Chapter 203 of the Acts of the General Assembly of 1926, creating a road project which is now designated as Project No. 144 in the Kentucky Statutes, Carroll's 1930 Edition, be and the same is hereby amended and re-enacted so that, when amended and re-enacted, the same shall read as follows:

There shall be added to the present primary system of State highways, as adopted in 1920 and amended in 1922 and

1924, the following road project: From London, Laurel County, Kentucky, via Boreing, Tuttle, Knox Fork to Bailey's Switch in Knox County, Kentucky. Same being a part of the original route traveled by Daniel Boone in his journey from North Carolina through Eastern Kentucky to Boonesboro, Ky.

Ordered that said bill be read the third time.

Senator Dawson moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Wm. Isaacs | Dr. G. W. Ragan |
| W. W. Booles | Silas Jacobs | O. M. Rogers |
| H. M. Brock | Alex E. Johnson | J. M. Rose |
| Edwin C. Dawson | L. C. Littrell | R. H. Royster |
| Dr. T. J. Edge | Frank I. Lloyd | Dr. Lewis Ryans |
| Thos. C. Ferguson | Rev. C. D. McCaw | E. D. Stephenson |
| Walter N. Flippin | C.T.McCormick,Sr. | Joe Stewart |
| Chas. G. Franklin | Wm. Mehler | Thos. O. Turner |
| Perry B. Gaines | E. C. Moore | Fred C. VanHoose |
| Arch Hamilton | Ray B. Moss | Sewell B. Williams |
| J. S. W. Holloway | D. C. Naive | Allie W. Young |
| Robert Humphreys | Marion F. Pogue | Gates F. Young |

—36

Resolved that the title thereof be as aforesaid.

Senator Dawson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. B. 352. An Act establishing as part of the primary system of State highways a road beginning at Denver, Johnson County, Kentucky, running down Jennie's Creek to Line Branch, up Line Branch to Rockhouse Branch, thence down Paint Creek to Harry Davis farm, intersecting with Route No. 40.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there be established as a part of the primary system of State highways a road beginning at Denver, Johnson County, Kentucky, running down Jennie's Creek to Line Branch, up Line Branch to Rockhouse Branch, thence down Paint Creek to the Harry Davis farm, intersecting with Route No. 40.

§ 2. Said road to be constructed and maintained subject to all conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of the Commonwealth of Kentucky, establishing and creating a primary system of State highways.

Ordered that said bill be read the third time.

Senator Dawson moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Wm. Isaacs | Dr. G. W. Ragan |
| W. W. Booles | Silas Jacobs | O. M. Rogers |
| H. M. Brock | Alex E. Johnson | J. M. Rose |
| Edwin C. Dawson | L. C. Littrell | R. H. Royster |
| Dr. T. J. Edge | Frank I. Lloyd | Dr. Lewis Ryans |
| Thos. C. Ferguson | Rev. C. D. McCaw | E. D. Stephenson |
| Walter N. Flippin | C.T.McCormick,Sr. | Joe Stewart |
| Chas. G. Franklin | Wm. Mehler | Thos. O. Turner |
| Perry B. Gaines | E. C. Moore | Fred C. VanHoose |
| Arch Hamilton | Ray B. Moss | Sewell B. Williams |
| J. S. W. Holloway | D. C. Naive | Allie W. Young |
| Robert Humphreys | Marion F. Pogue | Gates F. Young |

—36

Resolved that the title thereof be as aforesaid.

Senator A. W. Young moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. B. 357. An Act relating to roads and highways and

describing and fixing a project to be added to the primary system of roads and highways.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

There is hereby established as a part of the State primary system of highways in the Commonwealth the following route to-wit: Beginning at Fulton, Ky., in Fulton County, and continuing from Fulton, Ky., via Dukedom to Tri City on Project 94 in Graves County, Kentucky. This route when established to be designated as Project No. —, and to be entitled to and receive all the benefits relating to the primary system.

Ordered that said bill be read the third time.

Senator Dawson moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Thos. C. Ferguson | J. S. W. Holloway |
| W. W. Booles | Walter N. Flippin | Robert Humphreys |
| H. M. Brock | Chas. G. Franklin | Wm. Isaacs |
| Edwin C. Dawson | Perry B. Gaines | Silas Jacobs |
| Dr. T. J. Edge | Arch Hamilton | Alex E. Johnson |

| | | |
|---|---|---|
| L. C. Littrell | D. C. Naive | E. D. Stephenson |
| Frank I. Lloyd | Marion F. Pogue | Joe Stewart |
| Rev. C. D. McCaw | Dr. G. W. Ragan | Thos. O. Turner |
| C.T.McCormick,Sr. | O. M. Rogers | Fred C. VanHoose |
| Wm. Mehler | J. M. Rose | Sewell B. Williams |
| E. C. Moore | R. H. Royster | Allie W. Young |
| Ray B. Moss | Dr. Lewis Ryans | Gates F. Young |

—36

Resolved that the title thereof be as aforesaid.

Senator A. W. Young moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. B. 358. An Act establishing as part of the primary system of State highways beginning at the junction of Washington and Jefferson streets in the town of Burlington, Boone County, Kentucky, thence in a southerly direction to what is known as the Tanner road where it intersects the Burlington and Union road, thence in a southerly direction to State Highway No. 42, known as the Florence and Louisville road, about one mile north of the town of Union.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That State Primary Road Project No. — be and the same is hereby established as a part of the primary road system of State highways of the Commonwealth of Kentucky, a road from a point at the junction of Washington and Jefferson streets in the town of Burlington, Boone County, Ken-

tucky, thence in a southerly direction to what is known as the Tanner road and thence with said road to where it intersects the Burlington and Union road, thence in a southerly direction to State Highway No. 42, known as the Florence and Louisville road, about one mile north of the town of Union.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1930, establishing and creating a primary system of State highways.

Ordered that said bill be read the third time.

Senator Dawson moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Perry B. Gaines | Frank I. Lloyd |
| W. W. Booles | Arch Hamilton | Rev. C. D. McCaw |
| H. M. Brock | J. S. W. Holloway | C.T.McCormick,Sr. |
| Edwin C. Dawson | Robert Humphreys | Wm. Mehler |
| Dr. T. J. Edge | Wm. Isaacs | E. C. Moore |
| Thos. C. Ferguson | Silas Jacobs | Ray B. Moss |
| Walter N. Flippin | Alex E. Johnson | D. C. Naive |
| Chas. G. Franklin | L. C. Littrell | Marion F. Pogue |

| | | |
|---|---|---|
| Dr. G. W. Ragan | Dr. Lewis Ryans | Fred C. VanHoose |
| O. M. Rogers | E. D. Stephenson | Sewell B. Williams |
| J. M. Rose | Joe Stewart | Allie W. Young |
| R. H. Royster | Thos. O. Turner | Gates F. Young |

—36

Resolved that the title thereof be as aforesaid.

Senator A. W. Young moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. B. 373. An Act establishing a primary road project from Pleasant Ridge via Red Hill and Utica to Gilpenville.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That there be established as a part of the primary road system of the Commonwealth of Kentucky a road leading from Pleasant Ridge, in Daviess and Ohio counties, thence following the county road to Red Hill, thence to Utica and thence to Glenville.

Subject to all conditions set out and provided in Chapter 17 of the Acts of the General Assembly of the Commonwealth of Kentucky, establishing and creating a primary system of State highways.

Ordered that said bill be read the third time.

Senator Dawson moved that the third reading of said bill

at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Wm. Isaacs | Dr. G. W. Ragan |
| W. W. Booles | Silas Jacobs | O. M. Rogers |
| H. M. Brock | Alex E. Johnson | J. M. Rose |
| Edwin C. Dawson | L. C. Littrell | R. H. Royster |
| Dr. T. J. Edge | Frank I. Lloyd | Dr. Lewis Ryans |
| Thos. C. Ferguson | Rev. C. D. McCaw | E. D. Stephenson |
| Walter N. Flippin | C.T.McCormick,Sr. | Joe Stewart |
| Chas. G. Franklin | Wm. Mehler | Thos. O. Turner |
| Perry B. Gaines | E. C. Moore | Fred C. VanHoose |
| Arch Hamilton | Ray B. Moss | Sewell B. Williams |
| J. S. W. Holloway | D. C. Naive | Allie W. Young |
| Robert Humphreys | Marion F. Pogue | Gates F. Young |

—36

Resolved that the title thereof be as aforesaid.

Senator A. W. Young moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. B. 375. An Act to amend Section 1, Project No. 373, Chapter 315, page 675, of the Acts of the General Assembly of 1928, now Project No. 373, under Section 4356t-5, page 2253, of Carroll's Kentucky Statutes, 1930 Edition, relating to establishing a system of State highways and providing for their construction and maintenance.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Section 1, Project No. 373, Chapter 315, page 675, Acts of General Assembly of 1928, now Project No. 373, under Road Projects (Section 4356t-5), of Carroll's Kentucky Statutes, 1930 Edition, be and the same is hereby amended by adding thereto the words: "via Old Whitley Road, Piney Woods and Keavy to the Laurel County Line," so that said Project No. 373 will read as follows when amended:

Section 1. Project No. 373. That the road leading from a point in the U. S. Highway No. 25 at or near London, the county seat of Laurel County, Kentucky, to Cumberland Falls in Whitley County, a distance of approximately 38 miles, via Old Whitley Road, Piney Woods and Keavy to the Laurel County line, be and the same is hereby established and designated as a part of the primary system of State highways of the Commonwealth of Kentucky to be known as Project No. 373.

Ordered that said bill be read the third time.

Senator Dawson moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Wm. Isaacs | Dr. G. W. Ragan |
| W. W. Booles | Silas Jacobs | O. M. Rogers |
| H. M. Brock | Alex E. Johnson | J. M. Rose |
| Edwin C. Dawson | L. C. Littrell | R. H. Royster |
| Dr. T. J. Edge | Frank I. Lloyd | Dr. Lewis Ryans |
| Thos. C. Ferguson | Rev. C. D. McCaw | E. D. Stephenson |
| Walter N. Flippin | C.T.McCormick,Sr. | Joe Stewart |
| Chas. G. Franklin | Wm. Mehler | Thos. O. Turner |
| Perry B. Gaines | E. C. Moore | Fred C. VanHoose |
| Arch Hamilton | Ray B. Moss | Sewell B. Williams |
| J. S. W. Holloway | D. C. Naive | Allie W. Young |
| Robert Humphreys | Marion F. Pogue | Gates F. Young |

—36

Resolved that the title thereof be as aforesaid.

Senator A. W. Young moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. B. 383. An Act to amend and re-enact Chapter 18, page 526, of the Acts of the General Assembly of 1924, now Kentucky State Road Project No. 80, by adding the words "Haddock's Ferry" just before the words "Calvert City"

in said original act, so that when same is amended and re-enacted it will read as follows:

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That Chapter 185 of the Acts of the General Assembly of Kentucky of 1924, be amended by adding thereto and inserting just after the last named project on page 92 thereof the following:

Project No. 80, from Smithland to Murray, via Haddock's Ferry, Calvert City and Benton, and said road shall receive and be entitled to all the benefits allowed and provided for in said Chapter 17 of said Acts of 1920.

Ordered that said bill be read the third time.

Senator Dawson moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in acordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | H. M. Brock | Dr. T. J. Edge |
| W. W. Booles | Edwin C. Dawson | Thos. C. Ferguson |

| | | |
|---|---|---|
| Walter N. Flippin | Frank I. Lloyd | J. M. Rose |
| Chas. G. Franklin | Rev. C. D. McCaw | R. H. Royster |
| Perry B. Gaines | C.T.McCormick,Sr. | Dr. Lewis Ryans |
| Arch Hamilton | Wm. Mehler | E. D. Stephenson |
| J. S. W. Holloway | E. C. Moore | Joe Stewart |
| Robert Humphreys | Ray B. Moss | Thos. O. Turner |
| Wm. Isaacs | D. C. Naive | Fred C. VanHoose |
| Silas Jacobs | Marion F. Pogue | Sewell B. Williams |
| Alex E. Johnson | Dr. G. W. Ragan | Allie W. Young |
| L. C. Littrell | O. M. Rogers | Gates F. Young |

—36

Resolved that the title thereof be as aforesaid.

Senator A. W. Young moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. B. 389. An Act to establish a primary road project to be known as Project No. —, beginning at J. Wilson's store at the mouth of Island Creek in Owsley County on Project No. 11 and running up Island Creek by way of Island City to Brewer's store on Sturgeon Creek in Owsley County and intersecting with Booneville-Tyner-East Bernstadt Road Project No. —.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That there be established as a part of the primary road system of the Commonwealth of Kentucky a road beginning

at J. Wilson's store at the mouth of Island Creek in Owsley County on Project No. 11, thence up Island Creek by way of Island City by Dan Peters' farm, by way of Brewer's store on Sturgeon Creek in Owsley County and intersecting with Booneville-Tyner-East Bernstadt road.

The construction, maintenance and control of said road shall be subject to and controlled by the provisions of Chapter 17 of the Acts of the General Assembly of 1920 as if said road had been named in the original act as one of the projects of the primary system of State highways as provided herein.

Ordered that said bill be read the third time.

Senator Dawson moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Perry B. Gaines | Frank I. Lloyd |
| W. W. Booles | Arch Hamilton | Rev. C. D. McCaw |
| H. M. Brock | J. S. W. Holloway | C.T.McCormick,Sr. |
| Edwin C. Dawson | Robert Humphreys | Wm. Mehler |
| Dr. T. J. Edge | Wm. Isaacs | E. C. Moore |
| Thos. C. Ferguson | Silas Jacobs | Ray B. Moss |
| Walter N. Flippin | Alex E. Johnson | D. C. Naive |
| Chas. G. Franklin | L. C. Littrell | Marion F. Pogue |

| | | |
|---|---|---|
| Dr. G. W. Ragan | Dr. Lewis Ryans | Fred C. VanHoose |
| O. M. Rogers | E. D. Stephenson | Sewell B. Williams |
| J. M. Rose | Joe Stewart | Allie W. Young |
| R. H. Royster | Thos. O. Turner | Gates F. Young |

—36

Resolved that the title thereof be as aforesaid.

Senator A. W. Young moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. B. 390. An Act to establish a primary road project to be known as Project No. —, beginning at the Pendergrass farm near Pleasant Hill School on State Project No. 52 in Owsley County and running by way of Tommy Quillen's farm, by way of Benson Post Office, Travelers Rest Post Office and intersecting with Booneville-East Bernstadt road at or near New Hope in Owsley County.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That there be established as a part of the primary road system of the Commonwealth of Kentucky a road beginning at the Pendergrass farm near Pleasant Hill School on State Project No. 52 in Owsley County, thence by way of Tommy Quillen's farm, thence by way of Vincent, Ky., thence by way of Travelers Rest, Ky., and intersecting with Booneville-East Bernstadt Road Project No. —, at or near New Hope in Owsley County, Kentucky.

The construction, maintenance and control of said road shall be subject to and controlled by the provisions of Chapter 17 of the Acts of the General Assembly of 1920 as if said road had been named in the original act as one of the projects of the primary system of State highways as provided herein.

Ordered that said bill be read the third time.

Senator Dawson moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Wm. Isaacs | Dr. G. W. Ragan |
| W. W. Booles | Silas Jacobs | O. M. Rogers |
| H. M. Brock | Alex E. Johnson | J. M. Rose |
| Edwin C. Dawson | L. C. Littrell | R. H. Royster |
| Dr. T. J. Edge | Frank I. Lloyd | Dr. Lewis Ryans |
| Thos. C. Ferguson | Rev. C. D. McCaw | E. D. Stephenson |
| Walter N. Flippin | C.T.McCormick,Sr. | Joe Stewart |
| Chas. G. Franklin | Wm. Mehler | Thos. O. Turner |
| Perry B. Gaines | E. C. Moore | Fred C. VanHoose |
| Arch Hamilton | Ray B. Moss | Sewell B. Williams |
| J. S. W. Holloway | D. C. Naive | Allie W. Young |
| Robert Humphreys | Marion F. Pogue | Gates F. Young |

—36

Resolved that the title thereof be as aforesaid.

Senator A. W. Young moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. B. 391. An Act to establish a primary road project to be known as Project No. —, beginning at the mouth of Road Run on State Project No. 11, in Clay County, Kentucky, thence up Buffalo Creek to the forks, thence up the Lefthand fork to the head of Squabble Creek and down Squabble Creek to Buckhorn.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That there be established as a part of the primary road system of the Commonwealth of Kentucky a road beginning at the mouth of Road Run on State Project No. 11 in Clay County, thence up Buffalo Creek in Owsley County to the forks, thence up the Lefthand fork to the head of Squabble Creek in Perry County, thence down Squabble Creek to Buckhorn in Perry County, Kentucky, intersecting State Project No. —.

The construction, maintenance and control of said road shall be subject to and controlled by the provisions of Chapter 17 of the Acts of the General Assembly of 1920 as if said road had been named in the original act as one of the projects of the primary system of State highways as provided herein.

Ordered that said bill be read the third time.

Senator Dawson moved that the third reading of said bill

at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Wm. Isaacs | Dr. G. W. Ragan |
| W. W. Booles | Silas Jacobs | O. M. Rogers |
| H. M. Brock | Alex E. Johnson | J. M. Rose |
| Edwin C. Dawson | L. C. Littrell | R. H. Royster |
| Dr. T. J. Edge | Frank I. Lloyd | Dr. Lewis Ryans |
| Thos. C. Ferguson | Rev. C. D. McCaw | E. D. Stephenson |
| Walter N. Flippin | C.T.McCormick,Sr. | Joe Stewart |
| Chas. G. Franklin | Wm. Mehler | Thos. O. Turner |
| Perry B. Gaines | E. C. Moore | Fred C. VanHoose |
| Arch Hamilton | Ray B. Moss | Sewell B. Williams |
| J. S. W. Holloway | D. C. Naive | Allie W. Young |
| Robert Humphreys | Marion F. Pogue | Gates F. Young |

—36

Resolved that the title thereof be as aforesaid.

Senator A. W. Young moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. B. 396. An Act relating to roads and highways and describing and establishing a project to be added to the State Highway System of roads and highways running from State Highway No. 52 at or near the top of Hatton Hollow Hill, via Evelyn and up Rosses Creek to Gentry's Store and thence via the Old Orchard and the Farmer Ridge to Stone Coal Church and thence following substantially the county road via Del—, at Ida May, all of said road being in Lee County.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

There is hereby established as a part of the primary system of highways in this Commonwealth, as created by Chapter 17 of the Acts of the General Assembly of 1920 as amended by Sessions Acts of 1922, 1924, 1926, and 1928, the following project:

Beginning on State Highway No. 52 at or near the top of Hatton Hollow Hill, thence substantially following the county road to Evelyn, thence crossing the Kentucky River and up Rosses Creek to Gentry's Store, and thence via Old Orchard and the Farmer Ridge to Stone Coal Church, and thence substantially following the county road via Delvinta School to Ida May, Lee County, and intersecting Project No. —, at Ida May, all of said road being Lee County.

This road thus established to be designated as Project No. — and to be entitled to and receive all benefits of such laws as are now or may hereafter be in effect relating to the primary system of highways in the Commonwealth of Kentucky.

Ordered that said bill be read the third time.

Senator Dawson moved that the third reading of said

bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Wm. Isaacs | Dr. G. W. Ragan |
| W. W. Booles | Silas Jacobs | O. M. Rogers |
| H. M. Brock | Alex E. Johnson | J. M. Rose |
| Edwin C. Dawson | L. C. Littrell | R. H. Royster |
| Dr. T. J. Edge | Frank I. Lloyd | Dr. Lewis Ryans |
| Thos. C. Ferguson | Rev. C. D. McCaw | E. D. Stephenson |
| Walter N. Flippin | C.T.McCormick,Sr. | Joe Stewart |
| Chas. G. Franklin | Wm. Mehler | Thos. O. Turner |
| Perry B. Gaines | E. C. Moore | Fred C. VanHoose |
| Arch Hamilton | Ray B. Moss | Sewell B. Williams |
| J. S. W. Holloway | D. C. Naive | Allie W. Young |
| Robert Humphreys | Marion F. Pogue | Gates F. Young |

—36

Resolved that the title thereof be as aforesaid.

Senator A. W. Young moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of

the Day a bill which originated in the Senate of the following title:

S. B. 398. An Act to create and establish certain Road projects to be a part of the primary road system of the Commonwealth of Kentucky.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. There is hereby established as a part of the Primary Road System of the Commonwealth of Kentucky, a road leading from the mouth of Leather Wood Creek, Perry County, up said creek and across the mountain between Line Fork at said creek and along Line Fork to Project No. 56A at Pine Mountain Settlement School.

§ 2. There is also established as a part of the Primary Road System of the Commonwealth of Kentucky Project No. 30B-1 leading from Project No. 30B beginning at the mouth of Stoney Fork of Straight Creek, up said creek and down Beech Fork of the Middle Fork of the Kentucky River, to connect with Project No. 556—Harlan-Hyden Road.

§ 3. There is also established as a part of the Primary Road System of the Commonwealth of Kentucky, Project No. 56a-1, running from Project 56A on Greasy Creek, across to the head of Cutshin Creek, thence down said creek to Route 80, at the Judge William Dixon farm.

§ 4. There is hereby established Project No. 80A as a part of the Primary Road System of the Commonwealth of Kentucky a road beginning at the mouth of Bull Creek on the Hyden Buckhorn Road, thence up Bull Creek and down the left Fork of Big Creek, to connect with Route 80.

§ 5. There is hereby established as a part of the Primary Road System of the Commonwealth of Kentucky, Project

30B-1 beginning at the mouth of Big Creek, Clay County, and running up Red Bird Creek, to Beverly, Kentucky.

Ordered that said bill be read the third time.

Senator Dawson moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Wm. Isaacs | Dr. G. W. Ragan |
| W. W. Booles | Silas Jacobs | O. M. Rogers |
| H. M. Brock | Alex E. Johnson | J. M. Rose |
| Edwin C. Dawson | L. C. Littrell | R. H. Royster |
| Dr. T. J. Edge | Frank I. Lloyd | Dr. Lewis Ryans |
| Thos. C. Ferguson | Rev. C. D. McCaw | E. D. Stephenson |
| Walter N. Flippin | C.T.McCormick,Sr. | Joe Stewart |
| Chas. G. Franklin | Wm. Mehler | Thos. O. Turner |
| Perry B. Gaines | E. C. Moore | Fred C. VanHoose |
| Arch Hamilton | Ray B. Moss | Sewell B. Williams |
| J. S. W. Holloway | D. C. Naive | Allie W. Young |
| Robert Humphreys | Marion F. Pogue | Gates F. Young |

—36

Resolved that the title thereof be as aforesaid.

Senator A. W. Young moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. B. 404. An Act establishing as a part of the primary system of State Highways a road beginning at Glasgow Junction and running thence via the Old Mammoth Cave railroad line to Mammoth Cave.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. There is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky a road beginning at Glasgow Junction and running thence via the old Mammoth Cave railroad line, with such deviations therefrom as the State Highway Commission may determine, to Mammoth Cave, to be known and designated as Project No. —.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to and controlled by the provisions of Chapter 17 of the Acts of the General Assembly of 1920, as amended, to the same effect as if said road had been named in the original act as one of the projects of the primary system of State highways as provided therein.

Ordered that said bill be read the third time.

Senator Dawson moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Wm. Isaacs | Dr. G. W. Ragan |
| W. W. Booles | Silas Jacobs | O. M. Rogers |
| H. M. Brock | Alex E. Johnson | J. M. Rose |
| Edwin C. Dawson | L. C. Littrell | R. H. Royster |
| Dr. T. J. Edge | Frank I. Lloyd | Dr. Lewis Ryans |
| Thos. C. Ferguson | Rev. C. D. McCaw | E. D. Stephenson |
| Walter N. Flippin | C.T.McCormick,Sr. | Joe Stewart |
| Chas. G. Franklin | Wm. Mehler | Thos. O. Turner |
| Perry B. Gaines | E. C. Moore | Fred C. VanHoose |
| Arch Hamilton | Ray B. Moss | Sewell B. Williams |
| J. S. W. Holloway | D. C. Naive | Allie W. Young |
| Robert Humphreys | Marion F. Pogue | Gates F. Young |

—36

Resolved that the title thereof be as aforesaid.

Senator A. M. Young moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. B. 408. An Act establishing as part of the primary system of State roads and highways, a road leading from Elmer Carter's Store in Edmonson County, via Straw and Dickey's Mill to Cub Run.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby established as a part of the primary system of State roads and highways, a road leading from Elmer Carter's store in Edmonson County, via Straw and Dickey's Mill to Cub Run.

§ 2. The said road to have and receive all the benefits of the State primary road system under Chapter 17 of the Acts of 1920.

Ordered that said bill be read the third time.

Senator Dawson moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Chas. G. Franklin | Alex E. Johnson |
| W. W. Booles | Perry B. Gaines | L. C. Littrell |
| H. M. Brock | Arch Hamilton | Frank I. Lloyd |
| Edwin C. Dawson | J. S. W. Holloway | Rev. C. D. McCaw |
| Dr. T. J. Edge | Robert Humphreys | C.T.McCormick,Sr. |
| Thos. C. Ferguson | Wm. Isaacs | Wm. Mehler |
| Walter N. Flippin | Silas Jacobs | E. C. Moore |

| | | |
|---|---|---|
| Ray B. Moss | J. M. Rose | Thos. O. Turner |
| D. C. Naive | R. H. Royster | Fred C. VanHoose |
| Marion F. Pogue | Dr. Lewis Ryans | Sewell B. Williams |
| Dr. G. W. Ragan | E. D. Stephenson | Allie W. Young |
| O. M. Rogers | Joe Stewart | Gates F. Young |

—36

Resolved that the title thereof be as aforesaid.

Senator A. W. Young moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Committee on Rules reported to the Senate the appointments of the Governor to the Old Kentucky Home Commission, the following named persons: Lewis Guthrie, and James V. Rouse of Nelson County, Kentucky, W. N. Cox of Jefferson County, Kentucky, and Mrs. Robert Vaughan of Barren County, Kentucky.

Senator Franklin moved that the Senate do now advise, consent and confirm said appointments of the Governor.

The question being taken thereon, was decided in the affirmative, as follows:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Wm. Isaacs | Dr. G. W. Ragan |
| W. W. Booles | Silas Jacobs | O. M. Rogers |
| H. M. Brock | L. C. Littrell | J. M. Rose |
| Edwin C. Dawson | Rev. C. D. McCaw | R. H. Royster |
| Dr. T. J. Edge | C.T.McCormick,Sr. | Dr. Lewis Ryans |
| Thos. C. Ferguson | Wm. Mehler | E. D. Stephenson |
| Walter N. Flippin | E. C. Moore | Joe Stewart |
| Chas. G. Franklin | Ray B. Moss | Thos. O. Turner |
| J. S. W. Holloway | D. C. Naive | Fred C. VanHoose |
| Robert Humphreys | Marion F. Pogue | Sewell B. Williams |

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The Committee on Rules reported to the Senate the appointments of Mr. V. E. Barnes of Hopkinsville, Christian County, Kentucky, and Mr. M. O. Wrather, of Murray, Calloway County, Kentucky to the Vocational Educational Board, by the Governor.

Senator Franklin moved that the Senate do now advise, consent and confirm said appointments of the Governor.

The question being taken thereon, was decided in the affirmative, as follows:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Wm. Isaacs | Marion F. Pogue |
| W. W. Booles | Silas Jacobs | Dr. G. W. Ragan |
| H. M. Brock | Alex E. Johnson | O. M. Rogers |
| Edwin C. Dawson | L. C. Littrell | J. M. Rose |
| Dr. T. J. Edge | Frank I. Lloyd | R. H. Royster |
| Thos. C. Ferguson | Rev. C. D. McCaw | Dr. Lewis Ryans |
| Walter N. Flippin | C.T.McCormick,Sr. | E. D. Stephenson |
| Chas. G. Franklin | Wm. Mehler | Joe Stewart |
| Perry B. Gaines | E. C. Moore | Thos. O. Turner |
| Arch Hamilton | Ray B. Moss | Fred C. VanHoose |
| J. S. W. Holloway | D. C. Naive | Sewell B. Williams |
| Robert Humphreys | | —34 |

The Senate took up for consideration from the Orders of the Day a bill entitled:

H. B. 207. An Act to repeal and re-enact Section 3051 of the Kentucky Statutes, 1930 Edition, relating to annexation by cities of the second class.

Senator Rogers moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 1. An Act authorizing, regulating and governing the transportation for compensation of persons and property by motor vehicles on public highways; giving the Railroad Commission of Kentucky jurisdiction over such transportation, with authority to fix rates and exercise other powers in connection therewith; providing for the payment of taxes and fees incident thereto; prescribing punishment and penalties; and repealing all laws in conflict therewith.

Senator Holloway moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 179. An Act enabling cities of the third class to acquire, construct, operate and maintain electric light, heat and power plant and to issue revenue bonds of such cities to pay the cost thereof, payable solely from the revenues of such works without the incurrence of indebtedness of said cities.

Senator Young moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 176. An Act to repeal Chapter 36 of the Acts of the General Assembly of the Commonwealth of Kentucky of one thousand nine hundred and thirty entitled "An Act relating to education in this Commonwealth and appropriating money from the general fund of the treasury of the Commonwealth to be used for education purposes in connection with the public school system of this Commonwealth and conferring authority and power upon the State Board of Education to

supervise and administer the expenditure of money so appropriated, defining the purpose for which the money so appropriated shall be used, and providing conditions upon which it shall be received; and generally to provide for a more efficient system of public schools in this Commonwealth."

Senator Gaines moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

H. B. 292. An Act setting out the qualifications of members of Boards of Education in the Commonwealth of Kentucky.

Senator Booles moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 154. An Act authorizing cities of the fourth and fifth classes to provide insurance or maintenance for arresting officers, who may sustain injury, in discharge of official duty, which incapacitates such officer; and support for widows and orphans of such officers who lose their lives in discharge of official duty, and provide funds and taxes therefor, and procedure for securing same and determining amounts to be paid; and for trials, and appeals concerning same.

Senator Moss moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

A message was received from the House of Representatives announcing that they had adopted resolutions of the following titles:

H. Res. No. 54. Resolution designating a portion of State Highway No. 32 the Plummer Highway.

It was ordered that said resolution be referred to the Committee on Roads and Highways.

H. Res. No. 58. Resolution commending the American Friends Service Committee of Philadelphia.

It was ordered that said resolution lie on the Clerk's desk.

H. Res. 61. Resolution urging the Government to hasten program of building, construction, etc.

It was ordered that said resolution lie on the Clerk's desk.

H. Res. 55. Resolution requesting Congress to enact a National Cooperative Law relating to the production, sale, manufacture and distribution of tobacco.

It was ordered that said resolution lie on the Clerk's desk.

Senator Brock moved that on Saturday, February 27th, that no bills should be considered by the Senate if any Senator objected to the consideration.

The question being taken thereon, was decided in the affirmative by a majority of the members elected.

Senator Ryans moved that the Senate adjourn until 10 o'clock A. M., Saturday, February 27th.

Said motion was agreed to.

SATURDAY, FEBRUARY 27, 1932

The Senate was called to order by the President of the Senate, Lieutenant-Governor Albert B. Chandler.

The Senate was opened with prayer by Rev. Dr. Simpson of Frankfort Church of Nazarene.

The roll of the Senate was called and the following Senators answered to their names:

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|---|---|---|
| Jas. H. Bondurant | Wm. Isaacs | Dr. G. W. Ragan |
| W. W. Booles | L. C. Littrell | R. H. Royster |
| Edwin C. Dawson | Rev. C. D. McCaw | E. D. Stephenson |
| Walter N. Flippin | C.T.McCormick,Sr. | Joe Stewart |
| Chas. G. Franklin | Wm. Mehler | Thos. O. Turner |
| Perry B. Gaines | E. C. Moore | Fred C. VanHoose |
| Arch Hamilton | D. C. Naive | Sewell B. Williams |
| J. S. W. Holloway | Marion F. Pogue | Allie W. Young |
| Robert Humphreys | | —25 |

Senator Gaines moved that the reading of the Journal be dispensed with and the Journal approved.

Said motion was agreed to.

Senator Stephenson moved that the privileges of the floor be extended to Mr. R. E. L. Wilson of Greenup.

Said motion was agreed to.

Senator Booles moved that the privileges of the floor be extended to Bernard Carter, Jr.

Said motion was agreed to.

Senator Dawson moved that the privileges of the floor be extended to Mr. Jos. Claybrook and Mr. Fowler.

Said motion was agreed to.

Senator Stephenson moved that the privileges of the floor be extended to Mr. V. R. Bently of Pikeville.

Said motion was agreed to.

Senator Mehler moved that the privileges of the floor be extended to Miss Catherine Klick.

Said motion was agreed to.

Senator Flippin moved that Marion Mehler be made honorary page for the day.

Said motion was agreed to.

Bills of the following titles were introduced, referred and ordered printed, as follows, viz.:

By Senator Pogue.

S. B. 450. An Act establishing as part of the primary system of the State Highways a road from Flannery's Place on the Ollie James' Highway to Dam 50 in Crittenden County.

To Committee on Roads and Highways.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there be and is now established, added to, and made a part of, the primary system of public roads of the Commonwealth of Kentucky the following, to-wit:

Beginning at Flannery's Place in Crittenden County and following as near as practicable the present road to Dam 50 in Crittenden County. Said road project thus established to be known as Project No. —, of the Primary System of State Highways, and shall receive and be entitled to all the benefits,

privileges and conditions and laws now or hereinafter given by an Act or law to any of the primary roads of this Commonwealth.

By Senator Pogue.

S. B. 451. An Act establishing as part of the primary system of State Highways, a road beginning at Hampton, Livingston County, to Lola.

To Committee on Roads and Highways.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there be and is now established, added to, and made a part of the primary system of public roads of the Commonwealth of Kentucky, the following, to-wit: beginning at Hampton, Livingston county, through Ben Mahan hollow to Lola. Said road project thus established to be known as Project No. —, of the primary system of State Highways, and shall receive and be entitled to all the benefits, privileges and conditions and laws now or hereinafter given by an act or law to any of the primary roads of this Commonwealth.

By Senator Bondurant.

S. B. 452. An Act to amend and re-enact Chapter 216 of the Acts of the General Assembly of 1930, which is an act entitled: An Act to amend Chapter 222 of the Acts of the General Assembly of 1926, relating to roads and highways and extending the primary highway system by adding thereto a road from Dave Legrand's Store on Federal Highway No. 60, via Doe Run Mill on the Old Garnettsville road to Lick Skillet, thence to Garnettsville, thence to Muldraugh, connecting with Federal Highway No. 31.

To Committee on Roads and Highways.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Chapter 216 of the Acts of the General Assembly of 1930, be amended and re-enacted so that said Act when so amended and re-enacted shall read as follows:

That chapter 222 of the Acts of the General Assembly of the Commonwealth of Kentucky of 1926, relating to roads and highways, be and the same is amended by adding thereto, as a part of the primary highway system of a road from Federal Highway No. 60, at Dave LeGrand's Store, thence to Doe Run Mill on the old Garnettsville road, thence to Lick Skillet, thence to Garnettsville, thence to Muldraugh, connecting with Federal Highway No. 31; said road to be approximately ten miles in length and shall be known as project No. — to be designated by the State Highway Department. The project hereby established as a part of the primary system of the State Highways of the Commonwealth of Kentucky, shall have the benefit and future laws relating to said system and the construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in chapter 17 of the Acts of 1920, establishing and creating a primary system of State roads.

§ 2. Said road shall be known and designated as the Morgan Trail.

By Senator Moore.

S. B. 453.

An Act to amend and re-enact Section 2 of Chapter 144 of the Acts of the General Assembly of 1930, relating to the duties of the Secretary of State.

To Committee on Kentucky Statutes, No. 1.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Section 2 of Chapter 144 of the Acts of the General Assembly of 1930 be and the same hereby is amended and re-enacted so that the same shall read as follows: It shall be the duty of the Secretary of State to record in a book kept in his office for that purpose all such deeds, and in another book similarly kept, all leases, and to file, safely keep and have accessible the originals of all such records, judgments, deeds, maps, and abstracts of title, as well as the book in which such deeds are recorded. It shall be the duty of the Secretary of State to index and cross index such original papers and record books, and to index the matters therein concerned or recorded according to the county wherein the property is located and also according to the use or department of the State government using such property. Such records and indexes shall be public records, but shall not be moved from the office of the Secretary of State, and whenever any of such records shall be necessary as evidence, a true copy thereof, certified to by the Secretary of State, shall be used in lieu of the original record or paper.

Senator Booles of the Committee on Revenue and Taxation, to which had been referred a bill of the following title:

S. B. 378. An Act relating to revenue and taxation and providing for the assessment and equalizing of real and personal property, prescribing the duties of the County Tax Commissioners and the State Tax Commission relating thereto: Fixing and providing for the compensation and payment of the County Tax Commissioners, and amending Section 4052, 4042a-8, 4076a-2, 4120, 4121 Carroll's Kentucky Statutes, 1930 Edition, and repealing Section 4121-1 and 4070, Carroll's Kentucky Statutes, 1930 Edition.

Reported with expression of opinion that same ought to pass.

Senator Dawson of the Committee on Roads and Highways, to which had been referred bills of the following titles:

H. B. 407. An Act to add to the primary system of roads, a road from Manchester Pike near Johnston School House to Burning Springs, by Langnau Post Office and Crawford Post Office, in Laurel County.

S. B. 413. An Act relating to roads and highways and describing and fixing the project to be added to the primary system of roads and highways.

S. B. 422. An Act to establish a new primary Road Project to be known as Project No. —, beginning at a point about two and one-half miles North of Balltown, Nelson County, on Federal Highway 31E to a point on State Highways No. 49.

S. B. 425. An Act establishing and making a road beginning and intersecting with the Jackson-Hindman Road at the mouth of Spring Fork on Quicksand Creek in Breathitt County, Kentucky, and running up Spring Fork of Quicksand Creek and connecting with the Salyersville-Hindman Road.

S. B. 426. An Act creating and establishing as part of the State primary system of public roads, a road leading from Athol, Breathitt County, Kentucky: running up the Middle Fork of the Kentucky River via the mouth of Jetts Creek; the mouth of Puncheon Camp Creek to mouth of Turkey Creek; crossing Steele Bridge and up Turkey Creek intersecting with present survey to Booneville, Owsley County, Kentucky.

S. B. 428. An Act establishing and making a road leading from Athol to Jackson, beginning and intersecting with the road from Athol to Jackson at Highland College in Breathitt County, Kentucky, and down Puncheon Camp Creek and intersecting with the river Road leading from Athol to Turkey Creek.

S. B. 436. An Act to add to the primary system of public highways a road leading from Corinth School house, at intersection of Franklin-Adairville road, thence to pleasant Run Church, to Hickman Mill Pond, thence with Keysburg-Franklin road to Schochok, thence to Ruge Smith's Store, thence to Bridge at Old Ewing Farm, thence to Franklin-Adairville road at A. B. Robert's farm, thence to Dixie Highway at Adairville.

S. B. 437. An Act to amend and re-enact Chapter 455 of the Acts of the General Assembly of 1928, establishing and creating a road from Jackson, Breathitt County, Kentucky, to Booneville, Owsley County, Kentucky, and making it a part of the State system of primary roads.

Reported said bills with expression of opinion that same ought to pass.

## CALENDAR

Senator Gates F. Young moved that the second reading of bills and resolutions at length be dispensed with and that they be read by their titles only.

Said motion was agreed to by a majority of the members elected, and placed in Orders of Day.

It was ordered that the bills and resolutions be read by their titles only.

Said titles to bills are as follows:

S. B. 212. An Act to provide for the regulation and control of public utilities within the Commonwealth of Kentucky; creating a public service commission, defining its powers and duties, providing for its expenses, including the salaries of commissioners, officers and employees, and creating a fund for that purpose, and providing for the collection thereof; providing for the appointment and removal of commissioners, officers and employees, and defining their powers and duties;

transferring the powers of the railroad commission to the public service commission under certain condition, and otherwise defining the jurisdiction of the public service commission as to certain other utilities now within the jurisdiction of the railroad commission; abolishing the commissioner of motor transportation and transferring the powers and duties of that office to the public service commission; providing penalties for the violation of this Act; and providing for adequate court review.

S. B. 368. An Act to amend and re-enact Sub-section (1) of Section 2866, Subsection (3) of Section 2866, and Subsection (4) of Section 2866, Kentucky Statutes, 1930 Carroll's Edition, same being a part of Chapter 115, page 389, section 82, of the Acts of 1926 session of the General Assembly of Kentucky, relating to and providing for the creation of a Civil Service Board of five members, and for their appointment, qualifications, bonds, term of office, removability and compensation of said Board and Appointees, and for the levy and assessment of taxes to support said Board, and defining the right, powers and duties of said Board and declaring an emergency.

S. B. 333. An Act relating to registration and other means of identification of voters for elections in counties of the Commonwealth containing a city of the first class; providing the revenue to defray the expenses of such registrations; repealing Chapter 48 of the Acts of the General Assembly of 1930 relating to and governing registration of voters for elections in cities of the first class to the extent that same relates to the registration of voters in cities of the first class for the general November election of 1932 and thereafter.

H. B. 123. An Act enabling cities of the third class to acquire, construct, operate and maintain electric light, heat and power plant, and to issue revenue bonds of such cities to pay the cost thereof, payable solely from the revenues of such works without the incurrence of indebtedness of said cities.

H. B. 271. An Act creating a County Civil Service Board

in counties of this Commonwealth in which there is located a city of the first class; defining the powers and duties of said Board; providing for the expenses thereof; repealing Sections 3783 and 3784 of Carroll's Kentucky Statutes, compiled and edited by the Baldwin Law Book Company, 1930 Edition, in so far as said sections relate to counties having a city of the first class.

S. B. 414. An Act relating to the fiscal administration of the Commonwealth of Kentucky, and amending Section 1992a-24, Carroll's Kentucky Statutes, 1930 Edition, prescribing the duties of the State budget commission with reference to the control and supervision of expenditures by the various budget units of the State, and prescribing the duties of the Auditor of Public Accounts, the State Tax Commission and other officers of the State, and repealing Section 1992a-26, Carroll's Kentucky Statutes, 1930 Edition.

S. B. 322. An Act relating to revenue and taxation, imposing an excise or license tax on gasoline and all other liquid fuels, including all liquids ordinarily, practically and commercially usuable in internal combustion engines for the generation of power, and all distillates of, and condensates from petroleum, natural gas, coal tar, vegetable ferments, and from all other products, so usable and sold in this Commonwealth at wholesale, as the words "at wholesale" are defined in this act; except kerosene, fuel oil, and crude oil as such; providing for the collection of such tax, for the keeping of records, reporting of sales, defining the duties of the State Tax Commission, and requiring reports to be made to the State Tax Commission by railroads and other persons, firms or corporations showing the transportation and delivery of gasoline; exempting gasoline from local excise and license taxes; the distribution and use of the revenue derived therefrom, the administration of said law, fixing fines and penalties for the violation of this act; repealing chapter one hundred and twenty-seven of the Acts of nineteen hundred and twenty-eight, and chapter one hundred and fifty-three of the Acts of nineteen hundred and thirty, both of said chapters constituting the present Gasoline Tax Law.

S. B. 384. An Act to amend and re-enact section one thousand and ninety-three of the Kentucky Statutes (Carroll's nineteen hundred and thirty edition), being an act defining and prescribing the jurisdiction of justices and quarterly courts and the judges of police courts in cities of the first, second, third, fourth, fifth and six class in this Commonwealth in penal and misdemeanor cases.

S. B. 369. An Act to amend and re-enact Section 1093 of the Kentucky Statute (Carroll's Edition 1930) relating to the jurisdiction of justices and quarterly courts in penal actions and giving said justice and quarterly courts and the Judge thereof jurisdiction concurrent with Circuit Courts of the offenses of petit larceny.

H. B. 406. An Act creating, cultivating and preserving State and County Forestry.

S. B. 441. An Act providing for the issuance of college elementary certificates; repealing subsection 2 of Section 4501-7 and Subsection 1 of Section 4836b-2, Carroll's Kentucky Statutes, Baldwin's Revision of 1930 and Subsection 1 of Section 2 of Chapter 37, Acts of the General Assembly of 1930.

The Senate took up for consideration from the Orders of the Day a bill which originated in the House of Representatives of the following title:

H. B. 439. An Act to repeal and re-enact Chapter 143 of the 1930 Acts of the General Assembly of the Commonwealth of Kentucky, same being section 2061a-4a, Baldwin's 1930 supplement to Carroll's 1930 Kentucky Statutes, entitled "certain counties may divert funds for support and maintenance of Sanatoria, when"

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That Chapter 143 of the 1930 Acts of the General Assembly of the Commonwealth of Kentucky, same being Section 2061a-42, Baldwin's 1930 Supplement to Carroll's 1930 Kentucky Statutes, entitled "Certain counties may divert funds for support and maintenance of sanatoria, when," be repealed and re-enacted so as to read as follows:

"That any county, which has levied a tax and collected funds from such levy for the purpose of studying, treating and preventing tuberculosis through the establishment of a County Sanatoria, or otherwise, but where said county is not financially able, or inclined to erect said sanatoria, the Fiscal Court of said County is hereby authorized and directed to divert any and all funds collected under the provisions of the Acts of 1908 and 1918 for purposes herein described to the purchase of a county farm or poor farm, and for the erection of proper and necessary buildings thereon, and for the support and maintenance of said county farm, or poor farm, wherein the unfortunates of said county are kept and maintained on account of their inability to support themselves either from being afflicted with tuberculosis, or otherwise."

Ordered that said bill be read the third time.

Senator Ragan moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

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|---|---|---|
| Jas. H. Bondurant | Wm. Isaacs | Dr. G. W. Ragan |
| W. W. Booles | L. C. Littrell | R. H. Royster |
| Edwin C. Dawson | Rev. C. D. McCaw | E. D. Stephenson |
| Walter N. Flippin | C.T.McCormick,Sr. | Joe Stewart |
| Chas. G. Franklin | Wm. Mehler | Thos. O. Turner |
| Perry B. Gaines | E. C. Moore | Fred C. VanHoose |
| Arch Hamilton | D. C. Naive | Sewell B. Williams |
| J. S. W. Holloway | Marion F. Pogue | Allie W. Young |
| Robert Humphreys | | —25 |

Resolved that the title thereof be as aforesaid.

Senator Ragan moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 1. An Act authorizing, regulating and governing the transportation for compensation of persons and property by motor vehicles on public highways; giving the Railroad Commission of Kentucky jurisdiction over such transportation, with authority to fix rates and exercise other powers in connection therewith; providing for the payment of taxes and fees incident thereto; prescribing punishment and penalties; and repealing all laws in conflict herewith.

Senator Allie W. Young moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 176. An Act to repeal Chapter 36 of the Acts of the

General Assembly of the Commonwealth of Kentucky of one thousand nine hundred and thirty entitled "An Act relating to education in this Commonwealth and appropriating money from the general fund of the treasury of the Commonwealth to be used for education purposes in connection with the public school system of this Commonwealth and conferring authority and power upon the State Board of Education to supervise and administer the expenditure of money so appropriated, defining the purpose for which the money so appropriated shall be used, and providing conditions upon which it shall be received; and generally to provide for a more efficient system of public schools in this Commonwealth.

Senator Gaines moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

H. B. No. 292. An Act setting out the qualifications of members of boards of education in the Commonwealth of Kentucky.

Senator Booles moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 203. An Act providing for manufacture of chairs, tables, desks, stools, seats, and benches by inmates of penal institutions of State of Kentucky and making an appropriation therefor.

Senator Williams moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

H. B. 400. An Act relating to the advancement of credit against labor performed or to be performed.

Senator Williams moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill of the following title:

S. B. 382. An Act regulating the planting of trees, shrubs, or other growths within the State Highways, designating care and control, providing penalty for injuring and destroying same, designating certain money for nursery highway fund and naming who shall receive said trees.

Senator Pogue moved that said bill be recommitted to the Committee on Agriculture and State Fair with leave to report at any time.

The question being taken thereon, was decided in the affirmative.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill of the following title.

H. B. 730. An Act to provide for the appointment of a County Superintendent of Schools in counties containing cities of the first or second class, and describing his term of office, qualifications, duties and salary, and repealing all laws or parts of laws in conflict herewith.

Senator Franklin proposed the following amendment to said bill:

Amend Senate Bill No. 730 by adding the words "or third or fourth" in line 2 of the printed bill immediately following the word "second" and inserting the same words in line 9 immediately following the words "second."

Senator Humphreys moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

Senator Hamilton moved to make said bill a special order for Monday, February 29th at 2:30 o'clock P. M.

Said motion was agreed to.

Senator Humphreys moved that the Senate adjourn until Monday, February 29th at 2 o'clock P. M.

Said motion was agreed to.

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## MONDAY, FEBRUARY 29, 1932

The Senate was called to order by the President of the Senate, Lieutenant-Governor Albert B. Chandler.

The Senate was opened with prayer by Father O'Dwyer of the Catholic Church of Frankfort.

The roll of the Senate was called and the following Senators answered to their names:

| | | |
|---|---|---|
| Jas. H. Bondurant | Thos. C. Ferguson | J. S. W. Holloway |
| W. W. Booles | Walter N. Flippin | Robert Humphreys |
| H. M. Brock | Chas. G. Franklin | Wm. Isaacs |
| Edwin C. Dawson | Perry B. Gaines | Silas Jacobs |
| Dr. T. J. Edge | Arch Hamilton | Alex E. Johnson |

| | | |
|---|---|---|
| L. C. Littrell | Marion F. Pogue | Thos. O. Turner |
| Frank I. Lloyd | Dr. G. W. Ragan | Fred C. VanHoose |
| Rev. C. D. McCaw | O. M. Rogers | F. M. White |
| C.T.McCormick,Sr. | J. M. Rose | Sewell B. Williams |
| Wm. Mehler | R. H. Royster | W. A. Yates |
| E. C. Moore | Dr. Lewis Ryans | Allie W. Young |
| Ray B. Moss | E. D. Stephenson | Gates F. Young |
| D. C. Naive | Joe Stewart | —38 |

Senator Gates F. Young moved that the reading of the Journal be dispensed with and the Journal approved.

Said motion was agreed to.

Senator Hamilton moved that the privileges of the floor be extended to Mr. G. B. Simmons and Mr. Wm. D. Becker.

Said motion was agreed to.

Senator Bondurant moved that the privileges of the floor be extended to Mr. J. M. Herndon and Mr. Fred Bright of Irvington.

Said motion was agreed to.

Senator Bondurant moved that the privileges of the floor be extended to Mr. Parks and Mr. Ferguson of Irvington.

Said motion was agreed to.

Senator Ragan moved that the privileges of the floor be extended to Hon. Phil Helf of Newport.

Said motion was agreed to.

Senator Bondurant moved that the privileges of the floor be extended to Messrs. Geo. Nuff, E. Nuff, H. Fousche, Ed. Hines and Robt. Bunch.

Said motion was agreed to.

Senator Booles moved that the privileges of the floor be extended to Dr. Ladd and Dr. Lucas, of Louisville.

Said motion was agreed to.

Senator Moss moved that the privileges of the floor be extended to Mr. Metcher Knuckles of Pineville.

Said motion was agreed to.

Senator Ferguson moved that the privileges of the floor be extended to Geo. Ellerbee Carter of Louisville and Rev. and Mrs. Louis Ray of Louisville.

Said motion was agreed to.

Senator Rose moved that the privileges of the floor be extended to Mr. and Mrs. Chas. Parson and Mr. and Mrs. John Schneider.

Said motion was agreed to.

Senator Stewart moved that the privileges of the floor be extended to Messrs. W. E. Payton, and H. A. Waddelle of Horse Cave.

Said motion was agreed to.

Senator Royster moved that the privileges of the floor be extended to Mayor William Barrett of Henderson for the week.

Said motion was agreed to.

Senator Turner moved that Master Bondurant be made honorary page for the day.

Said motion was agreed to.

Senator Hamilton moved that H. B. 392 be made a special order for 3 o'clock P. M.

The question being taken thereon, was decided in the negative.

Said motion was lost.

Bills of the following titles were introduced, referred and ordered printed, as follows, viz.:

By Senator Gaines.

S. B. 454. An Act authorizing the funding of certain indebtedness of the Commonwealth of Kentucky, which is evidenced by outstanding State warrants, by the issuing of funding bonds, and acknowledging and confirming the validity of such warrants and the indebtedness evidenced thereby, and waiving all and singular defenses, if any, of the Commonwealth in relation thereto, and prescribing the powers and duties of the State Budget Commission in the premises, and providing for a sinking fund for the payment of such bonds and the interest thereon.

Said bill reads as follows:

To Committee on Rules.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. Negotiable coupon bonds of the Commonwealth of Kentucky hereby are authorized to be issued by the State Budget Commission in a sum sufficient when sold as hereinafter provided to fund the above described indebtedness by payment of said warrants and accrued interest thereon to the time of such payment, which bonds shall bear interest at not more than five (5%) per cent per annum, and shall be sold by the State Budget Commission which hereby is empowered to make a contract or contracts for the sale thereof and to sell

the same as, in its judgment, may be deemed for the best interests of the Commonwealth, but not at a price lower than that on which the interest yield as computed from standard tables of bond values will equal six (6%) per cent per annum. Such bonds shall be issued in such denomination or denominations and with such provisions, if any, for the registration of the principal and/or interest thereof and shall be payable at such place or places, all as may be determined by the State Budget Commission, which shall prescribe the form of the bonds and the manner of execution thereof. None of said bonds shall mature later than July 1, 1952, and not more than two million ($2,000,000.00) dollars in principal amount thereof shall mature in any one of the years 1948 to 1952, and not more than one million ($1,000,000.00) dollars in principal amount thereof shall mature in any one year prior to the year 1948. The proceeds of the sale or sales of such bonds shall be paid into the State treasury into a special fund and held in trust for the sole purpose of paying the indebtedness evidenced by said warrants.

§ 2. There shall be levied and appropriated in each fiscal year while any of said bonds shall be outstanding a tax in an amount sufficient to pay the interest and principal which will become due in such fiscal year upon said bonds, which tax may be included in the levy of taxes for general purposes, but an amount sufficient to pay the interest and principal of said bonds as the same shall become due shall be set aside annually into a special sinking fund for the sole purpose of paying such principal and interest.

§ 3. The State Budget Commission hereby is vested with full power to do all things deemed necessary or proper by it for the issuance of bonds and the funding of warrant indebtedness as herein provided, subject only to any applicable limitations of the Constitution of the Commonwealth of Kentucky.

§ 4. All and singular of the warrants identified in Section 1 herein hereby are confirmed and acknowledged by the General Assembly to be valid and to evidence valid debts of

this Commonwealth, and the acts of the Auditor of Public Accounts in issuing said warrants and the acts of the State Treasurer in stamping them as interest bearing hereby are ratified and approved and the indebtedness of the Commonwealth evidenced thereby hereby is confirmed and acknowledged, and all and singular defenses, if any, of the Commonwealth in relation thereto hereby are waived.

§ 5. If any clause, sentence, paragraph, section, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair, or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered; and it hereby is declared to be the intention of the General Assembly to enact each clause, sentence, paragraph, and section separately, and it is further declared that if any clause, sentence, paragraph, section, or part of the act be held invalid, the General Assembly nevertheless would have enacted the remainder of this act.

§ 6. For the reasons set forth in the preambles hereof and for the further reason that there is now no provision of law to enable persons holding State warrants to obtain payment thereof, an emergency hereby is declared to exist and this act shall take effect immediately upon its passage and approval by the Governor.

By Senator Stephenson.

S. B. 455. An Act to repeal, amend and re-enact Section 3828-2 of Carroll's Kentucky Statutes, 1930 Edition, relating to the application for paroles and granting of paroles to prisoners on approval of Governor.

To Committee on Rules.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Section 3828-2 of Carroll's Kentucky Statutes, 1930 Edition, be and the same is hereby repealed, amended, and re-enacted so when re-enacted it will read as follows:

After any prisoner serving a sentence of not less than five years nor more than ten years or sentences aggregating not less than five years nor more than ten years, has been confined in one of the penal institutions of this State for one third of the sentence or sentences imposed upon such prisoner by the judgment of the court wherein he was convicted and sentenced, he may file an application for a parole with the Board of Charities and Corrections. After any prisoner serving a sentence less than five years or sentences, aggregating less than five years has been confined in one of the penal institutions of the State for one-fifth of the sentence or sentences imposed upon such prisoner by the judgment of the Court, wherein he was convicted and sentenced, he may file an application for a parole with the Board of Charities and Corrections. After any prisoner serving a sentence or sentences, aggregating more than ten years and not more than twenty-one years, shall have been confined in one of the penal institutions of this State for at least six years of the sentence or sentences imposed upon such prisoner by judgment of the court wherein he was convicted and sentenced, he may file an application for parole with the Board of Charities and Corrections. Persons convicted for life or persons sentenced for more than twenty-one years to one of said institutions, shall not be allowed to file an application for parole until eight years have elapsed since the said prisoner was confined in said institution. The Board shall have full power and authority to adopt and certify to the warden of each institution under their control such reasonable rules and regulations as the board shall deem wise and fair, providing for the keeping of proper records of the conduct and deportment of prisoners, and for the careful record of any important facts in the life and character of such prisoners, which may be pertinent for

consideration in the final determination of such prisoner's application for parole.

Should the said Board, after careful consideration and in the full exercise of its discretion, deem said application reasonable and timely, said Board shall ascertain from the records of the institution where said applicant is confined, and from other trustworthy sources whether he, or she, has been of good demeanor, and in the opinion of the Board has been sufficiently meritorious and has earned sufficient grade or rank for good conduct by obedience to the rules and regulations of the institution in which he, or she, is confined for the period of time to be fixed by the rules of the Board, next preceding the date of his or her application; and said Board shall also ascertain whether the applicant has secured, or had secured for him or her, some respectable employment with a solvent, reputable person, firm or corporation at a compensation sufficient to render such applicant self-sustaining after parole, which employment shall be evidenced by a written contract of employment for at least six months; provided, however, that prisoners under the age of sixteen years and female prisoners may be paroled without contract for stipulated wages, where a home for such prisoner shall have been procured in a reputable family or apprenticed to a solvent, reputable person, firm or corporation under a written contract for proper support, care and moral supervision; and no contract shall be necessary for the employment of prisoners owning estates sufficient to yield enough income or proceeds to make such prisoner self-sustaining.

The said Board shall, by its rules, provide proper forms of contract, applicable to the respective classes of prisoners enumerated in this section, and may, in its discretion, require a surety or sureties for the faithful performance of the same.

After said Board has ascertained the facts mentioned above, and the prisoner's previous life as to probity or criminality, and as to the indications of his purpose to reform, they shall consider said application and shall have full discretion or power to refuse the same, but if they wish to have the

parole granted, they shall take a brief report in writing to the governor, stating the facts mentioned in this section, together with the reasons in favor of granting the application for parole, and if the governor then approve the granting of the parole by his signature thereto, said parole shall be granted and the certificate thereof, with the governor's signature attached thereto, shall be given to said prisoner. On the parole of any prisoner, he shall be provided at the expense of the Commonwealth with a suit of clothes, transportation to the county in this Commonwealth in which he has secured employment and with five dollars ($5) in cash.

By Senator Stephenson.

S. B. 456. An Act to authorize the Kentucky State Park Commission to acquire by the exercise of the right of eminent domain in condemnation proceedings, or by gift, devise, purchase or any other lawful means for the transfer of title, the lands described therein for a public State Park or for public park purposes, and providing that said Park be named jointly by the State Commission on Conservation and Development of Virginia and the Kentucky State Park Commission.

To Committee on Rules.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the lands situated in the State of Kentucky and described in Section 2 of this Act be and they are hereby specifically designated and set apart as lands suitable for use as a public State Park and for public park purposes, and the Kentucky State Park Commission is hereby expressly authorized and empowered to acquire title to said lands or any part thereof for a State Park.

§ 2. The lands in the State of Kentucky herein spe-

cifically designated and set apart as lands for a State Park are as follows:

That tract or boundary of land in Cumberland Mountain area of Kentucky, together with all waters included therein or appurtenant thereto, approximately 3,500 acres in extent and bounded as follows:

Beginning at the mouth of Grassy Fork Creek on the Virginia and Kentucky State line; thence north with top of ridge approximately 1.9 miles and thence down Pool point to Russell's Fork of the Big Sandy River; thence down the River to Little Island Branch; thence with back line of Elkhorn City to mouth of Elkhorn Creek; thence up Elkhorn Creek to Water Branch; thence up Water Branch to the head thereof; thence a straight line to the Virginia and Kentucky State Line and with the Virginia and Kentucky State Line back to the point of beginning.

§ 3. Subject to the provisions of this Act the Kentucky State Park Commission is hereby expressly vested with the power of eminent domain to condemn all or any part of said lands for use as a public State Park or for public park purposes, and to acquire title to all or any part of said lands, including dwelling houses, outbuildings, orchards, yards, gardens and other improvements on such lands and all or any right, title, or interest in or to all or any part of such lands and the improvements thereon by the exercise of the right of eminent domain in condemnation proceedings or by gift, devise, purchase, or any other lawful means for the transfer of title provided, nevertheless, that in acquiring title to any of said property by condemnation proceedings or otherwise, the Kentucky State Park Commission shall have no authority to pledge the credit of the State or to incur any indebtedness on behalf of itself or of the State, or spend any money of the State for the purpose of buying all or any part of said land during the next biennial period, but said Commission may solicit and accept donations from any person, firm or corporation for the purpose of purchasing any or all of said lands

and may purchase any or all of said lands with any money donated for such purpose at any time in its discretion and it may solicit and accept any or all of said lands by gift at any time after this Act becomes effective.

Title to all or any part of such lands or any interest in lands within the areas described in this Act which may be acquired by the Kentucky State Park Commission under authority of provisions of this or any other Act, shall be held by the Commission in trust for the State of Kentucky.

§ 4. The lands described herein and established as a State Park shall be named jointly by the State Commission on Conservation and Development of Virginia and the Kentucky State Park Commission.

By Senator Brock.

S. B. 457. An Act to change and re-arrange the Twenty-seventh and Twenty-eighth Judicial Districts of Kentucky; to provide for holding Circuit Courts in each of said Judicial Districts as hereby changed and re-arranged, and continuing the present Judges and Commonwealth Attorneys in office in the districts changed as such in the same numbered district to which each was elected.

To Committee on Rules.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. The Twenty-seventh Judicial District of Kentucky shall on and after the passage of this Act consist of the counties of Clay, Jackson, Laurel and Rockcastle, and that the Twenty-eighth Judicial District of Kentucky shall on and after the passage of this Act consist of the counties of Clinton, Pulaski and Wayne.

§ 2. That the times of holding Circuit Court in the Twenty-seventh Judicial District on and after the passage of this Act shall be as follows:

(a) Clay County, at Manchester, Ky., fourth Monday in September, continuing twenty-four juridical days; third Monday in January, continuing eighteen juridical days; second Monday in April, continuing eighteen juridical days.

(b) Jackson County, at McKee, Ky., first Monday in September, continuing eighteen juridical days; first Monday in January, continuing twelve juridical days; fourth Monday in March, continuing twelve juridical days.

(c) Laurel County, at London, Ky., fourth Monday in October, continuing twenty-four juridical days; second Monday in February, continuing twenty-four juridical days; fourth Monday in May, continuing twenty-four juridical days.

(d) Rockcastle County, at Mt. Vernon, Ky., second Monday in December, continuing eighteen juridical days; second Monday in March, continuing twelve juridical days; third Monday in June, continuing twelve juridical days.

§ 3. That the times of holding Circuit Courts in the Twenty-eighth Judicial District shall be as follows on the after the passage of this Act:

(a) Clinton County, at Albany, Ky., first Monday in September, continuing eighteen juridical days; first Monday in December, continuing twelve juridical days; first Monday in March, continuing twelve juridical days.

(b) Pulaski County, at Somerset, Ky., third Monday in October, continuing thirty juridical days; fourth Monday in January, continuing thirty juridical days; first Monday in May, continuing thirty juridical days.

(c) Wayne County, at Monticello, Ky., fourth Monday

in September, continuing eighteen juridical days; first Monday in January, continuing eighteen juridical days; third Monday in March, continuing eighteen juridical days.

§ 4. (a) That the Honorable William Lewis, present Judge of the Twenty-seventh Judicial District, shall be and remain during the term of office for which he was elected, Judge of the Twenty-seventh Judicial District as changed by this Act. That the Honorable Frank H. Baker, present Commonwealth's Attorney of the Twenty-seventh Judicial District, shall be and remain during the term of office for which he was elected, Commonwealth's Attorney of the Twenty-seventh Judicial District as changed by this Act.

(b) That the Honorable R. C. Tartar, present Judge of the Twenty-eighth Judicial District, shall be and remain during the term of office for which he was elected, Judge of the Twenty-eighth Judicial District as changed by this Act. That the Honorable J. S. Sandusky, present Commonwealth's Attorney of the Twenty-eighth Judicial District, shall be and remain during the term of office for which he was elected, Commonwealth's Attorney of the Twenty-eighth Judicial District as changed by this Act.

§ 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

By Senator Turner.

S. B. 458. An Act to amend an Act entitled, "An Act relating to vehicles; regulating their use and operation upon the public highways of this Commonwealth; providing for the registration and licensing of motor vehicles; fixing the amount of the license, and manner of payment thereof; providing for the registration and licensing of operators of motor vehicles and the amount of such license; providing a method of registration of motor vehicles; preventing illegal traffic in motor vehicles; providing penalty for the violation of this Act, and repealing any and all conflicting laws," (which said

Act approved March 23, 1920, is Chapter 90, Acts of 1920, now Section 2739g, Carroll's Kentucky Statutes) by amending and re-enacting Section 2 of said Act, approved March 23, 1920, being Chapter 90, Acts of 1920, as amended by an Act approved March 23, 1922, being Chapter 87, Acts of 1922, by an Act approved March 27, 1924, being Chapter 79, Acts of 1924, by an Act approved March 19, 1926, being Chapter 109, Acts of 1926, and by an Act approved March 20, 1926, being Chapter 111, Acts of 1926, and by an Act of 1930, neither approved nor disapproved by the Governor, being Chapter 81, Acts of 1930, (said Section 2 being Section 2739g-2, Carroll's Kentucky Statutes); by amending and re-enacting Subsection (f) of said Section 2 of said Chapter 90, Acts of 1920, now Section 2739g-4, Carroll's Kentucky Statutes; by amending and re-enacting Section 5 of said Chapter 90 of 1920, as amended by an Act approved March 19, 1926, being Chapter 109, Acts of 1926, and by an Act approved March 17, 1928, being Chapter 108, Acts of 1928 (said Section 5 being now Section 2739g-5, Carroll's Kentucky Statutes); and by amending and re-enacting Subsection (a) and (b) of Section 3 of said Chapter 90, Acts of 1920, as amended by an Act of 1924, being Chapter 80, Acts of 1924, said subsections being respectively sections, 2739g-10 and 2739g-11, Carroll's Kentucky Statutes.

To Committee on Rules.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Section 2 of an Act approved March 23, 1920, being Chapter 90, Acts of 1920, as amended by an Act approved March 23, 1922, being Chapter 87, Acts of 1922, by an Act approved March 27, 1924, being Chapter 79, Acts of 1924, by an Act approved March 19, 1926, being Chapter 109, Acts of 1926, by an Act approved March 20, 1926, being Chapter 111, Acts of 1926, and by an Act of 1930, neither approved nor

disapproved by the Governor, being Chapter 81, Acts 1930 (said Section 2 being Section 2739g-2, Carroll's Kentucky Statutes), be amended and re-enacted, so that, as amended and re-enacted, said Section 2 shall read as follows:

"Section 2739g-2. (a) Before the owner or operator of any motorcycle, automobile, motor truck, truck tractor, motor bus, taxicab, semi-trailer or trailer, shall operate, or permit to be operated, on any public highway, such owner shall register with the Commission, through the clerk in the county in which he resides, or in the county in which any such vehicle is to be operated, making application for such registration to the clerk of such county on a blank to be furnished by the Commission through the clerk, which application shall be accompanied by a bill of sale if the application be for registration of a new vehicle or a vehicle not theretofore registered, or by exhibiting the owner's registration receipt if such vehicle has theretofore been registered, and thereafter he shall register each such vehicle on or before the first day of January of each and every year. Provided, that insofar as the owner is concerned, registration with the clerk as required by law shall be deemed to be a registration with the Commission. Provided, further that any owner of a motor vehicle who shall operate or permit the operation thereof without having registered the same as provided herein shall, in addition to the regular registration fees, pay a penalty of 20% of the amount thereof. When any person shall apply to the clerk for registration and license plates it shall be the duty of the clerk to cause such applicant to answer under oath as to whether the motor vehicle sought to be registered has been operated during the time for which registration is required to be made without license, and it shall be unlawful for the clerk to permit the registration of any motor vehicle or to issue license plates therefor when it shall appear that said motor vehicle has been operated without license except that the applicant shall pay the penalty as herein provided; and it shall be unlawful for the clerk to permit the registration of any motor vehicle without the payment of the penalty, by any applicant who refuses to answer under oath as to whether

said motor vehicle has been unlawfully operated without license. The clerk shall be allowed out of such penalties for his services in the collection thereof, a fee of twenty-five cents (25c) for each motor vehicle upon the registration of which a penalty is collected. When it shall appear by proper affidavit that the applicant for registration has been arrested for violation of the law requiring the registration of motor vehicles the clerk shall pay out of the penalty collected from said applicant two dollars ($2.00) to the arresting officer, unless such arresting officer be an employee of the State Highway Commission or the State Tax Commission. The clerk shall pay over and account for the penalties provided for herein in the same manner and at the same time as he is required to report and pay the registration fees, and failure upon his part to collect such penalties shall not relieve him from the payment thereof.

"(b) Application blanks shall be furnished to said clerks by the Commission and shall contain blank spaces for, and the owner applying for registration shall give, the following detailed information:

Owner's name and postoffice address.

Name of manufacturer of the vehicle.

Motor number.

Car or chassis number, if any.

Model and year number.

Horsepower as rated by the Society of Automotive Engineers.

Motive power.

Style of body, and

Weight of vehicle.

"Each and every application shall be accompanied by the appropriate fee, which shall be as follows:

"(c) For each motorcycle the anual registration fee shall be five dollars ($5.00).

"(d) For each automobile designed primarily for carrying passengers and not operated for compensation or hire, the annual registration fee shall be nineteen cents (19c) for each horsepower of the motor, to be calculated on the rating fixed by the Society of Automotive Engineers, plus thirty cents (30c) on each one hundred pounds, or fraction thereof, of the weight of said automobile.

"Provided that for passenger automobiles as herein above defined, which shall be operated for compensation or hire, but not operating between fixed termini or over a regular route, including taxicabs, and automobiles let out for hire for which no driver is furnished, in addition to the fees hereinabove prescribed, the annual registration fee shall include one dollar and fifty cents ($1.50) for each passenger seat or space.

"(e) For each motor truck (meaning thereby any motor propelled vehicle designed for carrying freight or merchandise and not operated or driven on fixed rails or tracks), for each truck tractor (meaning thereby any motor propelled vehicle not operated or driven on fixed rails or tracks, and designed to draw, or to support the front end of, a trailer or semi-trailer), and for each motor ambulance or motor hearse, the annual registration fee shall be based upon weight in accordance with the following classification and schedule, provided the motor truck, truck tractor, ambulance or hearse, be equipped with pneumatic tires:

| Class | Weight in Pounds | Fee |
|---|---|---|
| A | Less than 2000 | $ 15.00 |
| B | 2000 or over, but less than 3000 | 25.00 |
| C | 3000 or over, but less than 4000 | 45.00 |
| D | 4000 or over, but less than 5000 | 70.00 |
| E | 5000 or over, but less than 6000 | 95.00 |
| F | 6000 or over, but less than 7000 | 125.00 |
| G | 7000 or over, but less than 8000 | 160.00 |

| | | |
|---|---|---|
| H | 8000 or over, but less than 9000 | $200.00 |
| I | 9000 or over, but less than 10000 | 275.00 |
| J | 10000 or over, but less than 11000 | 350.00 |
| K | 11000 or over, but less than 12000 | 450.00 |
| L | 12000 or over, but less than 13000 | 600.00 |

and ten dollars ($10.00) additional for each hundred pounds, or fraction thereof, of weight in excess of 13,000 pounds.

"Motor trucks, truck tractors, ambulances and hearses equipped with solid rubber or cushion tires, shall pay an annual registration fee equal to one and one-half times the fee prescribed for motor trucks, truck tractors, ambulances or hearses equipped with pneumatic tires and of equal weight.

"(f) For each semi-trailer (meaning thereby a vehicle designed to be attached to, and having its front end supported by, a motor truck or truck tractor, and intended for the carrying of freight or merchandise) and for each trailer (meaning thereby a vehicle designed to be drawn by a motor truck or truck tractor and intended for the carrying of freight or merchandise), the annual registration fee shall be based upon the weight in accordance with the following schedule and classification, provided the semi-trailer or trailer be equipped with pneumatic tires:

| Class | Weight in Pounds | Fee |
|---|---|---|
| M | Less than 1000 | $ 10.00 |
| N | 1000 and over, but less than 1500 | 20.00 |
| O | 1500 and over, but less than 2000 | 40.00 |
| P | 2000 and over, but less than 3000 | 70.00 |
| Q | 3000 and over, but less than 4000 | 100.00 |
| R | 4000 and over, but less than 5000 | 150.00 |

and ten dollars ($10.00) additional for each one hundred pounds or fraction thereof, of weight in excess of 5,000 pounds.

"Semi-trailers and trailers equipped with solid rubber

or cushion rubber tires shall pay an annual registration fee equal to one and one-half times the fee prescribed for semi-trailers and trailers equipped with pneumatic tires and of equal weight.

"(g) For each motor bus (meaning thereby any motor propelled vehicle designed primarily for the carrying of passengers for hire or compensation and not hereinabove provided for), the annual registration fee shall be as follows:

"For each motor bus operating exclusively within the boundaries of any city or incorporated town, the fee shall be nineteen cents (19c) for each horsepower of the motor, calculated on the rating fixed by the Society of Automotive Engineers, and thirty cents (30c) on each one hundred pounds, or fraction thereof, of the weight of the vehicle, plus one dollar and fifty cents ($1.50) for each passenger seat or space.

"For each motor bus operating within the boundaries of a city or incorporated town, or within ten miles of the boundaries thereof, if the city be of the first, second, third or fourth class, or within five miles of the boundaries thereof, if the town be of the fifth or sixth class, the fee shall be nineteen cents (19c) for each horsepower of the motor, calculated on the rating fixed by the Society of Automotive Engineers, and thirty cents (30c) on each one hundred pounds, or fraction thereof, of the weight of the vehicle, plus three dollars ($3.00) for each passenger seat or space.

"For each such motor bus operating between fixed termini or over a regular route and for which a certificate of public convenience and necessity or a permit is or shall be required by any law of this State, ten dollars ($10.00) plus three dollars ($3.00) for each passenger seat or space, if such motor bus has seven passenger seats or less, and ten dollars ($10.00) plus seven and one-half dollar ($7.50) for each passenger seat or space, if such motor bus has more than seven, and less than seventeen passenger seats, and twenty-five dollars ($25.00) plus ten dollars ($10.00) for each passenger seat or space, if

such motor bus has more than sixteen, and less than twenty-six passenger seats, and fifty dollars ($50.00) plus twelve and one-half dollars ($12.50) for each passenger seat or space, if such motor bus has more than twenty-five, and less than thirty passenger seats, and seventy-five dollars ($75.00) plus twenty-five dollars ($25.00) for each passenger seat or space, if such motor bus has more than twenty-nine passenger seats; and in addition, for each such class of motor bus, fifty cents (50c) for each one hundred pounds, or fraction thereof, of the weight of such motor bus.

"Provided, that no motor bus shall be operated on any highway with a seating capacity of more than thirty passengers.

"(h) The weight of any motor vehicle, semi-trailer or trailer, used for the determination of the annual registration fee, shall mean the weight of the vehicle fully equipped for operation, including chassis, cab, body and accessories customarily attached thereto, but not including water, oil or fuel. It shall be the duty of the Commission to prepare or procure and furnish to each clerk in this State a book or pamphlet showing the weight of such motor vehicles, semi-trailers and trailers as are commonly sold therein. If application be made for the registration of any motor vehicle, semi-trailer or trailer of a type not shown in said book or pamphlet, then in addition to the certificate of weight contained in the application for registration, said application shall be accompanied by a statement of the weight of such motor vehicle, semi-trailer or trailer, sworn to by the dealer selling the same or by some person other than the applicant, who shall certify that the weight therein set forth was determined by actual weighing on a standard scale.

"(i) One-half of all annual registration fees for the registration of motor trucks, truck tractors, semi-trailers and trailers, shall be evenly distributed among the one hundred and twenty counties of the State, 1/240 thereof to each county, which upon receipt shall be credited to the county road fund.

"(j) The schedule of annual registration fees hereinabove prescribed shall apply to the registration of motor vehicles, semi-trailers and trailers, which are registered on or after July 1, 1932, for the remainder of the calendar year ending December 31, 1932, and for each year thereafter.

"Provided the owners of semi-trailers and trailers, acquired or operated prior to July 1, 1932, and not registered prior to said date, shall register the same on July 1, 1932, and procure registration plates therefor, paying therefor one-half the registration fee provided in Subsection (e) hereof."

§ 2. That Subsection (f) of Section 2 of an Act approved March 23, 1920, being Chapter 90, Acts of 1920 (being Section 2739g-4, Carroll's Kentucky Statutes), be and the same is hereby amended and re-enacted so that said subsection as amended and re-enacted, shall read as follows:

"Section 2739g-4. If, after January 1 of any year, any person becomes the owner of, or brings into the State and operates therein, any motorcycle, automobile, motor vehicle, motor truck, truck tractor, trailer or semi-trailer, and for that reason registers for only a part of a year, the registration fee shall be as many twelfths of the annual registration fee as there are unexpired months, or parts of months, in the calendar year."

§ 3. That Section 5 of an Act approved March 23, 1920, being Chapter 90, Acts of 1920, as amended by an Act approved March 19, 1926, being Chapter 109, Acts of 1926, and by an Act approved March 17, 1928, being Chapter 108, Acts of 1928 (said Section 5 being now Section 2739g-5, Carroll's Kentucky Statutes), be and the same hereby is amended and re-enacted, so that as amended and re-enacted the same shall read as follows:

"Section 2739g-5. Non Residents—Reciprocity.

"(a) Except as otherwise provided in this section, or

in other laws of this State, a non resident owner of any foreign motor vehicle, semi-trailer or trailer, which has been duly registered for the calendar year in the State, country or other place of which the owner is a resident, and which at all times when operated in this State has displayed upon it the registration plate or plates issued for such vehicle in the place of residence of such owner, may operate or permit the operation of such vehicles within this State without registering such vehicle under the provisions of this law, or paying any fees to this State.

"(b) The non resident owner of any passenger automobile, not operated for compensation or hire, desiring to operate such vehicle, or to permit it to be operated, within this State at any time during a calendar year for a period in excess of thirty days, shall make application, upon a form to be prescribed by the Commission, for a non resident's permit, to the county clerk, and upon the payment of a fee for benefit of the clerk of twenty-five cents shall receive a non resident's permit upon a form to be prescribed by the Commission, and which shall be exhibited on such vehicle as may be prescribed by it, which permit when so exhibited shall authorize the operation of such vehicle in this State for the current calendar year.

"(c) The non resident owner of any motor bus operated in this State for compensation or hire, or of any motor truck, truck tractor, semi-trailer or trailer, shall, unless such vehicle be engaged exclusively in interstate commerce, be required to register such vehicle and pay the same fee therefor as is required for like vehicles owned by residents of and operated in this State.

"(d) Each non resident owner of any motor bus, motor truck, truck tractor, semi-trailers or trailer, who shall operate the same in this State, but exclusively in interstate commerce, is authorized to register each such vehicle and pay the same fee therefor as is required for like vehicles registered under the laws of this State; but in the event such non resident owner shall elect to not so register his said vehicle so operated

and engaged, then he shall register, or cause to be registered, each such vehicle in the following manner:

"Immediately upon the entrance of any such vehicle into the State, the owner or operator shall proceed to the nearest county clerk and apply for special registration upon a form to be prescribed and furnished by the Commission, and upon the payment of a special registration fee of three dollars ($3.00) for each vehicle, counting each motor truck or truck tractor and semi-trailer thereto attached as separate vehicles, and fifty cents (50c) for the services of the clerk) shall receive a special license or permit, which shall be of such form and affixed to the vehicle in such manner as the Commission may prescribe, which license or permit shall authorize the operation of such vehicle or vehicles in this State for a period of five (5) days. Renewals of such special license or permit may be obtained in like manner and form as for the original special license or permit.

"(e) Nothing in this section is intended to, or shall, require the registration, or the payment of fees with respect thereto, of any motor vehicle, semi-trailer or trailer which shall have been duly registered in another state, country or place, provided that such motor vehicle, semi-trailer or trailer shall, while in this State, be operated exclusively within the boundaries or limits of any incorporated city or town of this State.

"(f) All fees received from non residents are levied to defray the expenses of regulating motor traffic and compensation for the use of the roads, and when received by the Commission shall be credited through the Auditor of Public Accounts to the State road fund and county road fund, and employed solely for the enforcement of the laws relating to motor vehicles and to the maintenance of the State system of roads, and county roads.

"(g) Nothing herein contained is intended to or shall permit the operation of any automobile, motor vehicle, semi-

trailer or trailer, owned by a non-resident of this State, upon any highway, road or street in this State, or the registration thereof, contrary to the laws of this State, or of any city or incorporated town therein."

§ 4. That Subsections (a) and (b) of Section 3 of the Acts approved March 23, 1920, being Chapter 90, Acts of 1920, as amended by an Act of 1924, neither approved nor disapproved by the Governor, being Chapter 80, Acts of 1924 (said subsections being, respectively, Sections 2739g-10 and 2739g-11, Carroll's Kentucky Statutes), be and the same hereby are amended and re-enacted, so that, as amended and re-enacted, said Subsections (a) and (b) shall read as follows:

"Section 2739g-10. Upon filing application and paying the fees as hereinbefore provided, the owner shall be given a receipt containing the registration number and the information included in the application, and two plates bearing said registration number for each motor vehicle and trailer, and one plate bearing said number for each semi-trailer. For the service performed the owner shall pay the County Clerk the sum of fifty cents (50c) for each registration.

"Section 2739g-11. The owner or operator shall have the receipt issued by the Commission through the Clerk constantly in his possession, and the plates issued to him shall be conspicuously displayed upon the front and rear of each motor vehicle and trailer, and upon the rear of each semi-trailer, keeping them legible at all times such vehicle is operated upon a public highway, with the further provision that the rear plate on any such vehicle shall be illuminated when being operated during the hours designated in Section 2739g-23. The registration plates for any year shall not be displayed on any motor vehicle, trailer or semi-trailer after December 31 of that year, nor removed before said date, nor shall the registration plates for the succeeding year be displayed before December 29 of said year.

Senator Hamilton proposed a resolution of the following title:

## SENATE RESOLUTION 41.

Senate resolution appropriating $703.50 out of the State Treasury to Kathryn Brown.

To Committee on Rules.

Said resolution reads as follows:

Whereas, the said Kathryn Brown, at the special instance and request of Governor Flem D. Sampson, over the long distance telephone from his office in Frankfort, Ky., informed Kathryn Brown that he wanted her to go to Harlan the evening of November 8, 1931, to report to J. Smith Hays and A. A. Bablitz, Commissioners, as a reporter for them, sent to them by Flem D. Sampson, the then Governor of Kentucky; and that the said Flem D. Sampson informed said Kathryn Brown that her fees would be paid; and that the said Kathryn Brown left Lexington, Ky., on the evening of November 8, 1931, and arrived at Harlan on the morning of November 9, 1931, and proceeded to report in shorthand, the evidence given before the Commissioners, for a period of nine days, Sunday excepted, in Harlan, Ky., Wallins Creek, Evarts and many other towns and villages; and that said work was of long hours and tedious; and

Whereas, said Kathryn Brown, being directed by the said Commissioners and by said Flem D. Sampson, to transcribe her shorthand notes, making an original and three copies, then proceeded to do so; but before she proceeded to transcribe said notes, she called upon Flem D. Sampson, the then Governor of Kentucky, in person, at his office in Frankfort, Ky.; and said Governor informed her that she would be paid as soon as the work was completed; and she was then directed by said Governor to employ additional help in transcribing her notes; and in compliance with his direction and request, she did employ two additional stenographers, for which assistance she has paid out of her own money; and that during the stay of said Kathryn Brown in Harlan County,

together with said Commission, two captains of the National Guards were with them and guarded them, at the expense of the Commonwealth of Kentucky; and that each witness, before giving in testimony, was informed by said Commission, that this record was a public record and for the use and benefit of the Commonwealth of Kentucky; and

Whereas, on December 3, 1931, said Kathryn Brown caused to be delivered to A. A. Bablitz and J. Smith Hays, each, a carbon copy of said transcript; and also delivered to them the original copy of said transcript, for delivery to said Flem D. Sampson, Governor; then she was informed by said Commissioners that the original was delivered to the Governor's office; and that said Governor was furnished an extra copy of said transcript; and that there is now due Kathryn Brown for services rendered herein the sum of seven hundred and three dollars and fifty cents ($703.50); and

Whereas the said Kathryn Brown presented her bill for reporting said hearing and the transcript of her notes to Flem D. Sampson, at the time the original copy was delivered to him; and has received no part of said sum above mentioned; and that same is just, due and unpaid; and that she is unable to ascertain where the original and carbon copy which were delivered to him, are, at this time; or what he did with same; and

Whereas said work was done in good faith, believing that Flem D. Sampson had appointed the Commission under his power as Governor of the Commonwealth of Kentucky; and believing that said money would be paid by the Commonwealth of Kentucky, at the special instance and request of the then Governor of Kentucky; and that she was assured, before she left Lexington for Harlan, or did any part of the work, by the Governor of Kentucky, that she would be paid for her services; and that she called upon the Governor of Kentucky a few days before his term of office expired, relative to the transcribing of said testimony; and that she was assured then by the Governor of Kentucky, that she would be

paid for her services as soon as the bill was presented and audited; that she was repeatedly urged by the Commissioners and by Flem D. Sampson, the then Governor of Kentucky, to rush the transcript to completion that it might be filed before the term of office of said Sampson expired; that at much expense and great labor, she did complete the record and filed it with Flem D. Sampson, then Governor of Kentucky. She says that the fees charged are those fixed by Statute for this character of work; that she made no extra charge for the night sessions in taking the testimony or for the unusually long hours and strenuous labor involved in preparing the transcript in a very limited time; and that the fees which she has charged are just, due and unpaid; and

Whereas, there is no provision of law by which said debt may be recovered, either by an action allowed by the General Assembly or by a direct claim against the Commonwealth of Kentucky; and

Whereas, there is no way by which same may be recovered by the Kathryn Brown except by direct appropriation of funds for said purpose. Now, Therefore,

Be it resolved by the Senate of the Commonwealth of Kentucky, the House concurring therein:

That there be and there is hereby appropriated for the use and benefit of Kathryn Brown, out of the treasury of the Commonwealth of Kentucky, the sum of seven hundred and three and 50/100 ($703.50) dollars, and the Auditor of Public Accounts is hereby authorized and directed to draw his warrant upon the treasury of this Commonwealth for said sum payable to Kathryn Brown; and the treasurer is authorized and directed to pay said warrant in the usual and customary way, said appropriation and payment to be made because said amount is justly due and owing to the said Kathryn Brown for services rendered to the Commonwealth of Kentucky and because there is no provision of law by which the sum may be collected by direct action against the Commonwealth of Kentucky.

Lexington, Ky.
December 3, 1931.

GOVERNOR FLEM D. SAMPSON

To
Kathryn Brown, Reporter,
1400 Fayette Bank Bldg.,
Lexington, Ky.

| | |
|---|---|
| Hotel Bill, Harlan, Ky. | $ 16.50 |
| Taking Testimony, November 16, 17 and 18, 1931—3 Days at $10.00 per day | 30.00 |
| TRANSCRIPT OF TESTIMONY: | |
| 1,290 Folios at 20 cents per Folio | 258.00 |
| To First Carbon, ½ of Original | 129.00 |
| To Second Carbon, ½ of Original | 129.00 |
| To Third Carbon, ¼ of Original | 64.50 |
| SYNOPSIS OF TESTIMONY: | |
| 170 Folios at 20 cents | 34.00 |
| First Carbon, ½ of Original | 17.00 |
| Second Carbon, ½ of Original | 17.00 |
| Third Carbon, ¼ of Original | 8.50 |
| Total | $703.50 |

## COMMITTEE REPORTS

Senator Gates F. Young of the Committee on Banks and Trust Companies to which had been referred a bill of the following title:

H. B. 362. An Act amending Section 579, Kentucky Statutes, Carroll's 1930 Edition, relating to banks and banking, and empowering banks, trust companies, and combined banks and trust companies, to pledge certain assets as security for public funds of the United States, State, municipal, county, public schools, taxing districts, and other public funds.

Reported with expression of opinion that same ought to pass.

Senator McCaw of the Committee on Classification of Cities and Towns to which had been referred a bill of the following title:

S. B. 387. An Act to amend Section 3747a-1, Carroll's Kentucky Statutes, 1930 Edition, in relation to the publication of statements by officials collecting, receiving, having the custody, control, or disbursement of public funds within districts, cities, towns or subdivisions, the boundaries of which are less than a county.

Reported with expression of opinion that same ought to pass.

Senator Allie W. Young, of the Committee on Kentucky Statutes, No. 1, to which had been referred a bill of the following title:

S. B. 429. An Act to define bribery and other corrupt practices by public officers, deputies, assistants, clerks, and employees, prescribing penalties therefor, and vesting in the Franklin Circuit Court concurrent jurisdiction of criminal prosecutions against certain public officers, deputies, assistants, clerks and employees within the purview of this Act.

Reported with expression of opinion that same ought to pass.

Senator Allie W. Young, of the Committee on Kentucky Statutes, No. 1, to which had been referred a bill of the following title:

S. B. 359. An Act to repeal, amend and re-enact Section 165a-18, Carroll's Kentucky Statutes, Baldwin's Revision, Official Edition of 1930, relating to organized banks under the laws of this State.

Reported with expression of opinion that same ought to pass.

Senator Allie W. Young of the Committee on Kentucky Statutes, No. 1, to which had been referred a bill of the following title:

S. B. 344. An Act to authorize the sewer commission of any city of the first class to sell bonds under par.

Reported with expression of opinion that same ought to pass.

Senator Allie W. Young, of the Committee on Kentucky Statutes, No. 1, to which had been referred a bill of the following title:

H. B. 112. An Act to amend Section 2103, Subsection 2, of Carroll's Kentucky Statutes, so as to authorize judges of the city or police courts to solemnize a marriage ceremony.

Reported with expression of opinion that same ought to pass.

Senator Allie W. Young, of the Committee on Kentucky Statutes, No. 1, to which had been referred a bill of the following title:

H. B. 170. An Act to amend and re-enact Sections 26 and 27 of Chapter 141 of the Acts of the General Assembly of 1893 as amended by Chapter 78 of the Acts of the General Assembly of 1910, being now Sections 2316 and 2317 of Carroll's Kentucky Statutes, Baldwin's Revision of 1930, relating to Landlord and Tenant and the lien of the Landlord.

Reported with expression of opinion that same ought to pass.

A message was received from the House of Representatives announcing that they had passed bills of the following titles:

S. B. 183. An Act to amend Section 28 of Carroll's Criminal Code of Practice, Baldwin's 1927 Edition, and relating to bail in criminal cases.

S. B. 185. An Act to amend Section 36 of Carroll's Code of Criminal Practice, Baldwin's 1927 Edition, relating to arrests.

S. B. 188. An Act to amend Section 191 of the Criminal Code of Practice relating to the formation of the jury and providing for a thirteenth juror in certain cases.

S. B. 193. An Act to amend and re-enact Sections 971-3, 971-4, 971-10, 971-12 and 971-13 of Carroll's Kentucky Statutes, Baldwin's Revision of 1930.

S. B. 195. An Act to provide the circuit courts of this State with copies of the Statutes and Codes of Practice and Supplements thereto and repealng Section 2432 of Carroll's Kentucky Statutes, Baldwin's 1930 Revision.

S. B. 307. An Act to amend Section 7 of Chapter 35, Acts of the General Assembly of 1914, (Section 415B-7, Kentucky Statutes, 1922-30) relating to pensions for Confederate soldiers.

H. B. 648. An Act to require a public utility company to pay interest at rate of six per cent (6%) annually on amounts they exact as deposits as security for the payment of gas, electric and water accounts.

It was ordered that said bill be referred to the Committee on Rules.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That public utilities, such as gas, electric and water

companies, shall be required to pay holders of certificates of deposits six per cent (6%) annually on amounts exacted from patrons for gas, electric and water accounts.

§ 2. Failure to comply with the above section shall subject the Utility Company violating said provision to indictment and prosecution and upon conviction to a fine of not less than one hundred dollars ($100.00) for each offense.

H. B. 654. An Act relating to revenue and taxation; repealing, amending and re-enacting Chapter 152 of the Acts of the General Assembly of 1930; and declaring an emergency to exist.

It was ordered that said bill be referred to the Committee on Rules.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Chapter 152 of the Acts of the General Assembly of 1930 be repealed, amended and re-enacted, so that when said chapter is repealed, amended and re-enacted, the same shall read as follows:

"Section 1. Annual Tax—An annual ad valorem tax for State purposes of twenty cents (20c) upon each one hundred dollars ($100.00) of value of all real estate directed to be assessed for taxation, as provided by law, seventy-five cents (75c) upon each one hundred dollars ($100.00) of value of franchises directed to be assessed for taxation, as provided by law, and fifty cents (50c) upon each one hundred dollars ($100.00) of value of all other property directed to be assessed for taxation, as provided by law, shall be paid by the owner, person or corporation assessed; except a tax at the rate of one-tenth of one per cent shall be paid, annually, upon the amount of deposits in any bank, trust company, or combined

bank and trust company, organized under the laws of this State, or in any national bank of this State, as now provided by law; and except building and loan associations incorporated under the laws of this State and making loans to members only, which associations shall be assessed, except as otherwise provided by law, in the manner and at the rate now set forth in Chapter 14 of the Acts of the extraordinary session of the General Assembly of 1917."

All taxes collected under the provisions of this Act shall be paid to the Auditor of Public Accounts and shall be credited to the general fund for the purpose of paying the general expenses and indebtedness of the State government.

§ 2. In the event a referendum is desired upon this Act, then such referendum shall be conducted in all things in the manner provided in Chapter 8 of the Acts of the extraordinary session of the General Assembly of 1917, approved May 2, 1917.

§ 3. The provisions of this Act are severable, and if any of its provisions shall be held unconstitutional, the decisions of the court shall not effect or impair any of the remaining provisions herein. It is hereby declared the legislative intent that this Act would have been adopted had such unconstitutional provisions not been included therein.

§ 4. All laws and parts of laws in conflict herewith are hereby repealed, to the extent of such conflict.

H. B. 783. An Act relating to revenue and taxation; imposing a tax on the sale of services and/or tangible personal property; providing for enforcement and collection; prescribing penalties for violation; repealing all conflicting laws, and declaring an emergency to exist.

It was ordered that said bill be referred to the Committee on Rules.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. The term "sale", as used herein, shall include all transfers and exchanges of "goods, wares and merchandise", as defined herein, for money or other valuable consideration. Provided, however, that a sale shall not be deemed to be consummated where the sale is made on an open account, until said account is paid in money or other valuable consideration or is secured by note, mortgage or pledge.

"Sales at retail" shall mean and include the sale by a retailer, as defined herein, of goods, wares and merchandise, as defined herein. Provided, however, that sales of goods, wares and merchandise for the purpose of resale or for manufacture or conversion into tangible personal property for the purpose of sale; sales of farm products by the producer thereof; sales of newspapers and the space therein; sales of any species or property or services on which there is now or may hereafter be levied a tax on the sale thereof measured by quantity or price; sales of purely personal services by laborers, salaried employees, officials, and others who receive individual income in the form of fees, such as are customary in the legal, medical, and other professions; sales of transportation of persons or tangible personal property; or sales of coal by the producer in not less than car lots, shall not be deemed "sales at retail."

The term "retailer" as used in this act shall mean and include all persons, firms, associations, co-partnerships, and corporations ordinarily and generally engaged, either in whole or in part, in the sale, barter, trade, or exchange of goods, wares and merchandise for a valuable consideration.

The term "goods, wares and merchandise" as used in this act shall mean and include every species of services or tangible personal property or both.

§ 2. A State tax is hereby imposed on the sale at retail of goods, wares and merchandise in this State by any retailer at the rate of one per centum, (1%) of the total amount of gross sales at retail; and the retailer is hereby required to collect from the purchaser and/or account for and pay to the State Tax Commission the tax due the Commonwealth.

§ 3. The State Tax Commission is hereby charged with the enforcement of the provisions of this act and may promulgate such rules and regulations and prescribe such forms as are necessary for the enforcement of this act. All costs and expenses incurred by said Tax Commission in the administration of this act shall be paid out of the funds collected hereunder. The State Tax Commission or any representative appointed by it in writing is hereby authorized to examine the books, records, papers, files and/or equipment of any retailer pertaining to the sales made taxable by this act; to examine witnesses under oath for the purpose of verifying the accuracy of returns made by retailers; and to examine the books, records, files and/or equipment of manufacturers, wholesale dealers, or carriers for the purpose of verifying the accuracy of any reports under this act or determining whether the act is being violated.

The State Tax Commission shall have the power to institute legal proceedings for the purpose of ascertaining the amount of tax due and to enforce the collection thereof with the penalties thereon.

The State Tax Commission may at or after the commencement of an action for the purpose of collecting the amount of tax due and penalty and interest thereon, as set out herein, have an attachment against the property of the retailer, including garnishment, without the execution of a bond, upon filing an affidavit showing the nature of the claim, that it is just, the sum which the State Tax Commission believes it should recover from the retailer, and that the collection of the demand will be endangered by delay in obtaining judgment or a return of no property found.

Any information obtained by the State Tax Commission or any agent or representative thereof as a result of the reports, investigations, or verifications herein required to be made, shall be confidential, and any person divulging any such information, except upon order of a court of competent jurisdiction or to an official of the Commonwealth entitled to receive same in his official capacity, shall be fined not exceeding five hundred dollars ($500).

§ 4. Every retailer, as defined herein, shall be required to keep written daily records of sales, to preserve invoices of goods received for sale, and to maintain such other records as the State Tax Commission may require to facilitate the enforcement of this act. On or before the fifteenth day of the second month following the effective date of this act, and on or before the fifteenth day of each succeeding month, each such retailer shall mail to or file with the State Tax Commission a report of the total gross sales made during the next preceding month, and shall remit therewith the amount of the tax due.

§ 5. No suit shall be maintained in any court to restrain or delay the collection of payment of the tax herein imposed upon any ground whatever, but the aggrieved taxpayer shall pay the tax as and when due and may at any time within two (2) years from the date of such payment sue the Commonwealth of Kentucky through its agent, the Auditor of Public Accounts, in an action at law in any court, State or Federal otherwise having jurisdiction of the parties and subject matter, for the recovery of the tax so paid, with legal interest thereon from the date of payment. If it is finally determined that said tax or any part thereof was wrongfully collected, for any reason, it shall be the duty of the Auditor of Public Accounts to issue his warrant on the Treasurer of the Commonwealth of Kentucky for the amount of such tax so adjudged to have been wrongfully collected, together with interest thereon, and the Treasurer shall pay the same at once, or as soon as funds are available, out of the General Fund of the State, in preference to other warrants or claims against the Commonwealth.

Separate suits need not be filed for each separate payment made by any taxpayer, but recovery may be had in one suit for all sums theretofore paid, which are not barred by the limitation of two (2) years herein imposed.

§ 6. This act shall be and remain effective until July first, Nineteen hundred and thirty-four at which time it shall cease to be in force.

§ 7. Any retailer who shall fail or refuse to make the returns herein prescribed, or shall refuse to permit the State Tax Commission, its agents or representatives appointed by it in writing, to examine the books, records, papers, files and/or equipment of such person, fire, association, co-partnership or corporation, pertaining to the business made taxable by this act, or who makes an incomplete, false, or fraudulent return hereunder, or who does or attempts to do anything whatever to avoid full disclosure of the amount of business done or to avoid the payment of the whole or any part of the tax or penalties due, shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding one thousand dollars ($1,000), and, in case the offender is an individual, he may be imprisoned in the county jail not exceeding six (6) months, or both so fined and imprisoned. Such fine shall be additional to other fines and/or penalties herein provided.

Any retailer who shall fail to pay the tax due hereunder in the time specified in this act shall be subject to a penalty equal to twenty per centum (20%) of the amount of tax due and delinquent, and in addition thereto interest at the rate of six per centum (6%) per annum.

§ 8. All revenues derived from the operation of this act shall as collected and recorded be covered, through the Auditor of Public Accounts, into the State Treasury and credited to the General Expenditure Fund.

§ 9. The provisions of this act are severable. If any provision, section, or paragraph thereof, or if its application to any class of property or service affected by its operation

should be held unconstitutional, such decision regarding the provisions, section, paragraph, or application shall not affect or impair the remainder of the act, it being hereby declared the legislative intent to tax separately the sale of every species of property and/or services contemplated by any of its provisions.

§ 10. Chapter 149 of the Acts of the General Assembly of 1930, now Sections 4208a-1 to 4202a-12, inclusive. Baldwin's Kentucky Statutes Service, 1931, is hereby expressly repealed, together with all other laws and parts of laws in conflict herewith to the extent of such conflict.

§ 11. Whereas, the present State revenue does not meet the immediate needs for the maintenance and development of the State Government and its agencies, and the State's credit is threatened with impairment; an emergency is declared to exist, and this act shall become a law and be effective on the first day of the month following its passage and approval by the Governor.

The Senate took up for consideration from the Orders of the Day a bill which originated in the House of the following title:

H. B. 123. An Act enabling cities of the third class to acquire, construct, operate and maintain electric light, heat and power plants and to issue revenue bonds of such cities to pay the cost thereof, payable solely from the revenues of such works without the incurrence of indebtedness of said cities.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That cities of the Third Class, whether organized under the general law or special charter law, and including such cities where the Commission form of government has been adopted, are hereby authorized and empowered to pur-

chase, establish, erect, maintain and operate electric light, heat and power plants, together with extensions and necessary appurtenances thereto, within or without the corporate limits under the provisions of this act for the purpose of supplying such city and the inhabitants thereof with electric light, heat and power.

§ 2. For the purpose of defraying the cost of acquiring any such electric light, heat and power plant, either by purchase, or construction and appurtenances or extensions thereto, any such city may borrow money and issue negotiable bonds, provided no such bonds shall be issued unless and until authorized by an ordinance specifying the proposed undertaking, the amount of bonds to be issued and the maximum rate of interest such bonds are to bear, which shall not be more than six (6) percent per annum. Such ordinance shall further provide that the proposed electric light, heat and power plant and appurtenances which is to be acquired or constructed or the proposed extensions thereto are to be made pursuant to the provisions of this act.

§ 3. One or more electric light, heat and power plants, owned by one or more persons or corporations, may be acquired hereunder as a single enterprise, and the common council or board of commissioners of such city shall have authority to agree with the owner or owners as to the value thereof and to purchase the same at such value after publishing said agreement of purchase setting out the price, interest rate, condition of plant, possible depreciation and repairs in all the newspapers of general circulation of such city or in such county in which such city is located. In case no such newspaper is published in such city or county, then by posting large posters in ten (10) or more prominent places in such city, setting out the above details, for a period of forty-five (45) days. If within such time a petition, signed by two hundred (200) or more qualified voters of such city calling for an election to be held on the regular November election day in such year, and if such election occurs more than forty-five (45) days after the time of filing such petition, or if the next November election occurs less than forty-five (45) days after

filing of such petition, it shall go over until the next November election occurring more than forty-five (45) days thereafter, which said petition shall be filed with the County Clerk of such county. Notice of such election in addition to any other publication or notice required herein, shall be given in the same manner as above required to give notice of such agreement of such City Council or Board of Commissioners, with such electric light, heat and power plants, which is as follows: by publishing the price, term of bonds, interest, general repairs and condition of plant and nature of such election in all the newspapers of general circulation, published in such city for a period of forty-five (45) days or if no newspaper of general circulation is published in such city, then in the newspapers of general circulation published in such county and if no such newspaper is published in such city or county, then by posting large posters in ten (10) or more prominent places in such city. The election shall be held at the next November election held more than forty-five days after the time of such publication. Said purchase shall not be consummated unless such election is carried by a majority vote of all the qualified voters voting on such proposition. The question to be submitted to the voters on the ballot at such election shall be:

Are you in favor of the city of .....
purchasing ..... at the price of $.....?

All blanks in such question shall be completed before submitting ballots to qualified voters.

§ 4. All bonds under the provisions of this act may be issued bearing interest at the rate not exceeding six per cent per annum, payable semi-annually, and shall be executed in such manner and be payable at such times, not exceeding forty years from the date thereof, and at such place or places as such common council or board of commissioners shall determine.

§ 5. Any and all such bonds shall have and are hereby declared to have in the hands of bona fide holders all the qualities of negotiable instruments under the law merchant, and shall not be subject to taxation. In case any of the of-

ficers whose signatures or counter-signatures appearing on the bonds or coupons shall cease to be such officers before delivery of such bonds, such signatures or counter-signatures shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until such delivery. Such bonds shall be sold in such manner and upon such terms as the common council or board of commissioners shall deem for the best interests of such city, or any contract for the purchase or acquisition of any light, heat or power plant may provide that payment thereof shall be made in such bonds. In no event shall any bonds be negotiated on a basis to yield more than six per cent. Such bonds when issued shall be payable solely from the revenue funds derived from such light, heat and power plants as provided in Section 9, hereof, and shall not constitute an indebtedness of such city within the meaning of the constitutional provisions or limitations. It shall be plainly stated on the face of each bond that same has been issued under the provisions of this act and that it does not constitute an indebtedness of such city within the meaning of any constitutional provisions or limitations.

§ 6. All moneys received from any bonds issued pursuant hereto shall be applied solely for the purchase, establishment or erection of such electric light, heat and power plant and extensions thereto and necessary appurtenances, provided such moneys may be used also to advance the payment of the interest on bonds during the first three years following the date of such bonds. And there shall be and there is hereby created a statutory mortgage lien upon the electric light, heat and power plant and appurtenances and extensions so acquired to and in favor of the holders of said bonds and each of them and to and in favor of the holders of the coupons of said bonds.

§ 7. The light, heat and power plant so purchased, acquired or constructed, together with the extensions and appurtenances, shall remain subject to such statutory liens until the payment in full of the principal and interest of the bonds. Any holder of said bonds or of any of the coupons may, either at law or in equity by suit, action, mandamus, or other proceedings, protect and enforce the statutory mortgage lien

hereby conferred and may by suit, action, mandamus, or other proceedings, enforce and compel performance of all duties required by this act, including the making and collecting of sufficient rates, the segregation of the income and revenue, and the application thereof.

§ 8. If there be any default in the payment of the principal or interest of any of said bonds, any court having jurisdiction of the action may appoint a receiver to administer said electric light, heat and power plant on behalf of the city, with power to charge and collect rates sufficient to provide for the payment of any bonds or obligations outstanding against said electric light, heat and power plant and for the payment of the operating expenses and to apply the income and revenues in conformity with this act, and the ordinance referred to in Section 9, hereof.

§ 9. At or before the issuance of such bonds the common council or board of commissioners of such city shall, by ordinance, set aside and pledge the income and revenue of such electric light, heat and power plant into a separate and special fund to be used and applied in payment of the cost thereof and in the maintenance, operation and depreciation thereof. Said ordinance shall definitely fix and determine the amount of revenue which shall be necessary and be so set aside and applied to the payment of the principal and interest of the bonds, and the proportion of the balance of such income and revenues which is to be set aside as a proper and adequate depreciation account, and the remaining proportion of such balance shall be set aside for the reasonable and proper operation and maintenance thereof. The rates to be charged for the service from such electric light, heat and power plant shall be sufficient to provide for the payment of interest upon all bonds and to create a sinking fund to pay the principal thereof as and when the same becomes due and to provide for the operation and maintenance thereof an adequate depreciation account. Such rates shall be fixed and revised from time to time so as to produce these amounts.

§ 10. If any surplus shall be accumulated in the operat-

ing and maintenance fund, which shall be equal to the cost of maintaining and operating such electric light, heat and power plant during the remainder of the calendar, operating or fiscal year as may be provided by the ordinance hereinbefore required and the cost of maintaining and operating such electric light, heat and power plant during the succeeding like calendar, year, operating or fiscal year, any excess over such amount may be transferred at any time by the council or board of commissioners to the depreciation account to be used for any improvements, extensions or additions to such electric light, heat and power plant.

§ 11. The funds accumulating to the depreciation account shall be expended in balancing depreciation in such electric light, heat and power plant or in making new constructions, extensions or additions thereto. Any such accumulations may be invested as the council may designate and if invested, the income from such investments shall be carried into the depreciation account.

§ 12. The reasonable cost and value of any service rendered to such city by such electric light, heat and power plant may be charged against the city and shall be paid for monthly as the service accrues from the current fund or proceeds of taxes which such city is hereby authorized and required to levy in an amount sufficient for that purpose. Such funds so paid shall be accounted for in the same manner as other revenues of such electric light, heat and power plant.

§ 13. Such city may issue new bonds for the purpose of providing funds for the payment of any outstanding bonds, in accordance with the procedure described by this act. Such new bonds shall be secured to the same extent and shall have the same source of payment as the bonds which shall have been thereby refunded.

§ 14. Should the common council or board of commissioners find that the bonds authorized will be insufficient to accomplish the purpose desired, additional bonds may be au-

thorized and issued subject to the procedure as herein required.

§ 15. Any city acquiring any electric light, heat or power plant pursuant to the provisions of this act, may, at the time of the issuing of the bonds for such acquisition provide for additional bonds for extensions and permanent improvements to be placed in escrow and to be negotiated from time to time as such proceeds for that purpose may be necessary. Such bonds when so negotiated shall have equal standing with the bonds of the same issue.

§ 16. In like manner, such city acquiring any electric light, heat and power plant under the provisions hereof, may provide for the extension, addition or improvement of such public utility by an additional issue or issues of bonds in the manner herein provided.

§ 17. Such city in acquiring any electric light, heat or power plant under the provisions of this act, may provide by ordinance any such provisions and stipulations for the administration of the income and revenues and for the security of the bondholders as the common council or board of commissioners of such city may be necessary.

§ 18. The ordinance required by Section 2 and 9 hereof may also set apart bonds hereunder authorized, equal to the amount of any secured debt or charge, subject to which an electric light, heat and power plant may be purchased or acquired, and shall set aside for interest and sinking fund from the balance of the income and revenues of the electric light, heat and power plant remaining after setting aside the funds for the payment of principal and interest of bonds, a sum sufficient to comply with the requirements of the instrument creating the lien or securing the charge, or if such instrument does not make any provision therefor, said ordinance shall fix and determine the amount which shall set aside into a securing debt account for interest on such secured debt or charge and a fixed amount to pay the principal thereof at maturity. Any surplus after satisfying the secured debt or charge may

be transferred to the fund for the redemption of the principal and interest of the bonds issued thereunder. Bonds may be issued hereunder subject to the provisions hereof in exchange for or in satisfaction of such secured debt or charge, or may be sold in the manner herein provided and the proceeds applied in payment of the same at or before maturity.

§ 19. This act shall be deemed to create an additional and alternate method for the acquisition of an electric light, heat and power plant by any city of the third class and shall not be deemed to include, amend alter, or repeal any other statute. No proceedings shall be required for the acquisition of any electric light, heat and power plant hereunder or the issuance of bonds hereunder except such as are prescribed by this act, any provision in the general laws of the Commonwealth of Kentucky or the charter of any city to the contrary notwithstanding.

§ 20. Any city acquiring or constructing an electric light, heat and power plant within or without the city under the provisions of this act, shall by ordinance appoint three commissioners to operate, manage and control said plant to be known as the City Utility Commission.

Said Utility Commission shall have absolute and exclusive control of said electric light, heat and power plant and its operation and fiscal management, regulation of rates and in every other respect provided that in fixing rates said Commission shall be governed by the provisions of Section 9, hereof, and of any ordinance enacted by the city council or board of commissioners as provided in Section 9, hereof.

Said Utility Commission shall provide rules, regulations and by-laws for the management of said plant and out of the revenue of the plant it shall pay operating expenses, repairs and additions which may be necessary to be made thereto, and provide sufficient reserve fund to insure the said plant is kept in repair and in good working order and to provide against any emergency which may arise. Said Commission shall from

time to time pay to the city the surplus revenue derived from the operation of the said plant as is provided in Section 9 and 10, hereof.

In order that said Commission may be non-partisan and non-political, no person shall be appointed a member thereof who has, within the last two years before his appointment held any city, county, State or federal office, or who within said period has been a member of any committee of any political party, or who is related within the third degree to the mayor or member of the board of commissioners or member of the council of such city. Said Utility Commission shall not appoint to any subordinate office which they may create any person who is related to any of the commissioners or to the mayor of said city or to any member of the board of commissioners or to any member of the board of council of said city. No officer or employee of said city whether holding a paid or unpaid office shall be eligible to be appointed as a member of said Commission or to be employed by the Commission in any capacity. The members of such City Utility Commission shall be citizens, taxpayers, and legal voters of such city and shall not at the time of the appointment be indebted to the city either directly or indirectly or be surety on the official bonds of any officer of said city.

If at any time during the term of office any member of said Commission shall become a candidate for or be elected or be appointed to any public office he shall automatically vacate his membership from said Commission and another person shall be appointed in his place.

The city shall pay the cost of securing bonds for said Commissioners from a surety company, and said Commissioners shall each execute bond in the penal sum of $10,000.00 conditioned upon the faithful performance of his official duties. Said bonds shall be approved by the board of Commissioners or by the Board of Council as the case may be.

An action may be maintained upon any commissioner's

bond by any person injured by a violation of the covenants therein contained.

The Board of Commissioners or the Council of the city shall fix the salary to be paid to said members of said Utility Commission but not to exceed $300.00 per annum for each Utility Commissioner.

The first Board of Utility Commissioners appointed under this act shall be appointed for terms as follows: one for the term of one year; one for the term of two years; one for the term of three years. Upon the expiration of the first terms, successors shall be appointed for a term of three years.

§ 21. This act being necessary for and to secure public health, safety, convenience and welfare of cities in the Commonwealth of Kentucky, shall be liberally construed to effectuate the purpose hereof.

§ 22. If any section or provision of this act is for any reason illegal it is the intention that the remaining section and parts thereof shall remain in full force and effect.

Ordered that said bill be read the third time.

Senator Gates F. Young moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Silas Jacobs | Dr. G. W. Ragan |
| W. W. Booles | Alex E. Johnson | O. M. Rogers |
| H. M. Brock | L. C. Littrell | J. M. Rose |
| Edwin C. Dawson | Frank I. Lloyd | R. H. Royster |
| Thos. C. Ferguson | Rev. C. D. McCaw | E. D. Stephenson |
| Walter N. Flippin | C.T.McCormick,Sr. | Fred C. VanHoose |
| Chas. G. Franklin | Wm. Mehler | F. M. White |
| Arch Hamilton | E. C. Moore | Sewell B. Williams |
| J. S. W. Holloway | Ray B. Moss | W. A. Yates |
| Robert Humphreys | D. C. Naive | Allie W. Young |
| Wm. Isaacs | Marion F. Pogue | Gates F. Young |

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Resolved that the title thereof be as aforesaid.

Senator Gates F. Young moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the House of the following title:

H. B. 292. An Act setting out the qualifications of members of boards of education in the Commonwealth of Kentucky.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

A person to be eligible to membership on a board of education must have attained the age of twenty-four years, must have been a citizen of the United States for at least three years preceding his election and must be a resident of the

district for which he is elected. He must have completed the eighth grade in the common schools and must not hold or discharge the duties of any office, deputyship or agency under the city or county of his residence; except that any member of such board or any existing board shall be eligible for re-election. No person shall be eligible to this office who at the time of his election is directly or indirectly interested in the sale to the board of books, stationery, or other property. If, at any time after the election of any member of such board he shall become interested in any such contract with or claims against the board, or if he shall after election become a candidate for any office or agency or for the nomination thereto, the holding and the discharging of the duties of which would have rendered him ineligible before election, or if he shall move his residence from the district for which he was chosen if he shall do or incur anything which would have rendered him ineligible for re-electon, his office shall without further action be vacant, and it shall be filled as now provided by law; provided that no member of such board shall vote regarding the appointment or employment in any capacity of any person related to, such member as father, mother, brother, sister, husband, wife, son or daughter, nephew or niece. Board members in office at the time this Act becomes operative may be re-elected regardless of the educational qualifications set out in this Act.

Ordered that said bill be read the third time.

Senator Booles moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill

in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Wm. Isaacs | O. M. Rogers |
| W. W. Booles | Silas Jacobs | J. M. Rose |
| H. M. Brock | Alex E. Johnson | R. H. Royster |
| Edwin C. Dawson | L. C. Littrell | E. D. Stephenson |
| Dr. T. J. Edge | Frank I. Lloyd | Joe Stewart |
| Thos. C. Ferguson | C.T.McCormick,Sr. | Thos. O. Turner |
| Walter N. Flippin | Wm. Mehler | Fred C. VanHoose |
| Chas. G. Franklin | Ray B. Moss | W. A. Yates |
| Arch Hamilton | D. C. Naive | Allie W. Young |
| J. S. W. Holloway | Marion F. Pogue | Gates F. Young |
| Robert Humphreys | Dr. G. W. Ragan | —32 |

Those who voted in the negative were:

Sewell B. Williams —1

Resolved that the title thereof be as aforesaid.

Senator Booles moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the House of the following title:

H. B. 400. An Act relating to the Advancement of Credit against labor performed or to be performed.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Any person, firm or corporation engaged in

any trade or business, either directly or indirectly, may issue, sell, give or deliver, upon the request of any employee of such person, firm or corporation, to such employee as a medium of credit, in payment for labor performed or for labor to be performed, non-transferable scrip, tokens, drafts, orders or coupons, payable and redeemable in merchandise only by the employee to whom issued; provided, that the issuance of any such non-transferable scrip, tokens, drafts, orders or coupons by any such person, firm or corporation, shall be construed, taken and held in all courts and places to be a promise to pay, by the person, firm or corporation issuing same, to the employee to whom issued, in lawful money of the United States or check, upon demand and surrender by said employee of such scrip or any unused portion thereof, at such regular settlement day or pay day when the same would have been due in cash had not the said order, scrip or token been issued.

Any person, firm or corporation failing and refusing to pay the employee to whom is issued such non-transferable scrip, tokens, drafts, orders or coupons, or any unused portion of the same, for which labor has been performed on their regular settlement day or pay day, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty nor more than fifty dollars, and for a second or a subsequent offense shall be fined not less than twenty-five nor more than one hundred dollars.

All acts or parts of acts inconsistent with this act are hereby repealed.

Ordered that said bill be read the third time.

Senator Gaines moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of

said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Silas Jacobs | J. M. Rose |
| W. W. Booles | L. C. Littrell | R. H. Royster |
| H. M. Brock | Frank I. Lloyd | Dr. Lewis Ryans |
| Edwin C. Dawson | Rev. C. D. McCaw | E. D. Stephenson |
| Thos. C. Ferguson | C.T.McCormick,Sr. | Joe Stewart |
| Walter N. Flippin | Wm. Mehler | Thos. O. Turner |
| Chas. G. Franklin | E. C. Moore | Fred C. VanHoose |
| Perry B. Gaines | Ray B. Moss | F. M. White |
| Arch Hamilton | D. C. Naive | Sewell B. Williams |
| J. S. W. Holloway | Marion F. Pogue | W. A. Yates |
| Robert Humphreys | Dr. G. W. Ragan | Allie W. Young |
| Wm. Isaacs | O. M. Rogers | Gates F. Young |

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Those who voted in the negative were:

Dr. T. J. Edge —1

Resolved that the title thereof be as aforesaid.

Senator Gaines moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the House of the following title:

H. B. 320. An Act to provide for the appointment of a curator for persons absent and not known to have been living

for a year or more, and to prescribe the duties of such curator.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. When any person, resident of this Commonwealth, or owning property lying or found in this Commonwealth, has been absent from his last known place of residence for a period of one year, and is not known to have been living during said time, the County Court of any County in which a personal representative could be appointed for such person's estate if deceased, may appoint a curator to collect and preserve the estate of said absent person. The Court shall take bond with good surety, from the person appointed, for the full and faithful performance of the trust confided to him. An appeal from an order of appointment may be taken as in the case of an administrator, but this appeal shall not suspend the powers of the curator.

§ 2. Before any curator shall be appointed for an absent person, a written application requesting the appointment shall be filed with the Clerk of the County Court. Said application shall be verified and shall recite the fact of such absence, the last known address of such absent person, and the presence of property within this Commonwealth, or other grounds requiring the appointment of such curator for the protection of the property rights of such absent person. The application may be made by any relative, creditor or debtor of the absent person, or by any person in possession of or interested in any property or rights of said absent person.

§ 3. Upon the filing with the Clerk of the County Court of any such application, the Clerk shall send by United States registered mail, a letter addressed to such absent person at the last known address as given in the application, stating that such application has been filed, and the Clerk shall insert in a newspaper having general circulation in said County,

once each week for four consecutive weeks, a notice to the effect that such application for the appointment of a curator has been made.

§ 4. It shall be the duty of the curator to collect and safely keep the estate of the decedent, and to make and return to Court, within three months, a full and complete inventory of the same. It shall be his further duty to deliver up the estate, including the income therefrom, when required, to the absent person upon his return, or to the executor or administrator, when appointed. He may pay debts commence and maintain actions, and be sued as such, and he may invest or reinvest any funds coming into his hands, and may sell such perishable and other goods as the County Court or the Circuit Court may order to be sold, and shall be allowed a reasonable compensation for his services, in accordance with Kentucky Statutes, section 3883.

Ordered that said bill be read the third time.

Senator Moore moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Edwin C. Dawson | Walter N. Flippin |
| W. W. Booles | Dr. T. J. Edge | Chas. G. Franklin |
| H. M. Brock | Thos. C. Ferguson | Perry B. Gaines |

| | | |
|---|---|---|
| Arch Hamilton | C.T.McCormick,Sr. | R. H. Royster |
| J. S. W. Holloway | Wm. Mehler | E. D. Stephenson |
| Robert Humphreys | E. C. Moore | Thos. O. Turner |
| Wm. Isaacs | Ray B. Moss | Fred C. VanHoose |
| Silas Jacobs | D. C. Naive | F. M. White |
| Alex E. Johnson | Marion F. Pogue | W. A. Yates |
| L. C. Littrell | O. M. Rogers | Allie W. Young |
| Frank I. Lloyd | J. M. Rose | Gates F. Young |
| Rev. C. D. McCaw | | |

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Those who voted in the negative were:

Joe Stewart —1

Resolved that the title thereof be as aforesaid.

Senator Moore moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the House of the following title:

H. B. 234. An Act guaranteeing to all children in this Commonwealth School privilege for the legal term of school.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

It shall be the duty of the board of education of every county in this Commonwealth receiving revenue from public taxation to provide at least the minimum legal term of school for all pupil children residing within the geographic limits of such district. Such schools shall be maintained within reasonable walking distance of such pupils of elementary grade,

or transportation shall be provided for them to such school or schools.

Ordered that said bill be read the third time.

Senator Pogue moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Alex E. Johnson | Marion F. Pogue |
| W. W. Booles | L. C. Littrell | Dr. G. W. Ragan |
| H. M. Brock | Frank I. Lloyd | O. M. Rogers |
| Edwin C. Dawson | Rev. C. D. McCaw | J. M. Rose |
| Walter N. Flippin | C.T.McCormick,Sr. | R. H. Royster |
| Perry B. Gaines | Wm. Mehler | Joe Stewart |
| Arch Hamilton | E. C. Moore | Thos. O. Turner |
| J. S. W. Holloway | Ray B. Moss | F. M. White |
| Silas Jacobs | D. C. Naive | Sewell B. Williams |

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Resolved that the title thereof be as aforesaid.

Senator Pogue moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The hour of two-thirty having arrived, the Senate took up for consideration from the Orders of the Day a bill of the following title, which had been made a special order for this hour.

H. B. 730. An Act to provide for the appointment of a County Superintendent of Schools in Counties containing cities of the first or second class and describing his term of office, qualifications, duties and salary, and repealing all laws or parts of laws in conflict herewith.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

The County Board of Education of each County containing cities of the first or second class shall appoint, on the first Monday in January, 1933, a County Superintendent of Schools for a term of not more than four years next succeeding his appointment, and he shall hold office until his successor has been appointed and qualified. No person thus appointed shall be eligible to the office who does not hold a proper certificate in scholarship, administration and supervision, as provided by laws, provided that all County Superintendents of Schools in Counties containing cities of the first or second class holding office at the time that this Act shall take effect shall continue to serve to the end of the term for which they were originally appointed and until their successors are appointed and qualified, unless removed as provided by this Act, and he shall be eligible for reappointment.

The County Superintendent of Schools shall devote his entire time to the public school business and shall receive such compensation as the County Board of Education shall direct to be paid from the county school funds in monthly installments, provided that no County Superintendent of Schools appointed to office under the provisions of this section shall be paid a salary of less than twelve hundred dollars ($1,200.00) per year. In case of vacancy due to any cause the

County Board of Education shall fill the vacancy and the appointment shall be for the unexpired term, and until his successor shall have been appointed and qualified.

The County Superintendent of Schools as executive officer of the County Board of Education, shall see that the laws relating to the schools, the by-laws, rules and regulations of the State Board of Education, and regulations and policies of the County Board of Education are carried into effect.

The County Superintendent of Schools shall recommend for condemnation school buildings which are unsanitary and unfit for use. He shall recommend the repairs, the purchase of grounds, school sites and grounds, the sale of the same, and shall cause to be prepared all plans and specifications for remodeling of old building, provided that the plans and specifications for any and all buildings to be erected in said county shall be submitted to the State Superintendent of Public Instruction or his agent for approval.

The County Superintendent shall approve in writing all contracts, of any kind, entered into by the County Board of Education, and no contract entered into by the County Board of Education without the written approval of the County Superintendent of Schools shall be valid.

The County Superintendent of Schools shall be the representative of the State Superintendent of Public Instruction in all examinations for teachers' certificates, conducted within the county, and shall perform such duties connected therewith as may be required by law.

§ 2. All laws or parts of laws in conflict herewith hereby are repealed.

Senator Franklin offered the following amendment:

Amend House Bill 730 by adding the words "or third or fourth" in line 2 of the printed bill, immediately following

the words "second" and inserting the same words in line 9 immediately following the words "second."

A point of order having been raised by Senator Allie W. Young in accordance with the rules of the Senate that an amendment of like order had been defeated by this body.

Thereupon said point of order was sustained by the President of the Senate and said amendment was declared out of order.

Ordered that said bill be read the third time.

Senator Hamilton moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| W. W. Booles | L. C. Littrell | R. H. Royster |
| H. M. Brock | Frank I. Lloyd | Dr. Lewis Ryans |
| Dr. T. J. Edge | Rev. C. D. McCaw | E. D. Stephenson |
| Thos. C. Ferguson | C.T.McCormick,Sr. | Joe Stewart |
| Walter N. Flippin | Wm. Mehler | Fred C. VanHoose |
| Chas. G. Franklin | E. C. Moore | F. M. White |
| Perry B. Gaines | Ray B. Moss | Sewell B. Williams |
| Arch Hamilton | D. C. Naive | W. A. Yates |
| J. S. W. Holloway | Marion F. Pogue | Allie W. Young |
| Robert Humphreys | O. M. Rogers | Gates F. Young |
| Alex E. Johnson | J. M. Rose | —32 |

Those who voted in the negative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Wm. Isaacs | Dr. G. W. Ragan |
| Edwin C. Dawson | Silas Jacobs | Thos. O. Turner |

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Resolved that the title thereof be as aforesaid.

Senator Hamilton moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the House of the following title:

H. B. 207. An Act to repeal and re-enact Section 3051 of the Kentucky Statutes, 1930 Edition, relating to annexation by cities of the second class.

Senator Hamilton proposed the following amendment to said bill:

Amend House bill No. 207 by striking from line 16 page 2 of the printed bill the words and printed figures "fifty per cent" and inserting in lieu thereof the words and figures "seventy-five per cent (75%)."

The question being taken thereon, was decided in the negative and said amendment was lost.

Senator Hamilton proposed the following amendment to said bill:

Amend House bill 207 by striking from line 80, page 2 of the printed bill, the words "one-half" and inserting in lieu thereof the words "one-fourth."

The question being taken thereon, was decided in the negative and said amendment was lost.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That Section 3051, Kentucky Statutes, 1930 Edition, be repealed and re-enacted so that the same, when thus re-enacted, shall read as follows:

"Section 3051. Protest against annexation; petition; practice annexation of city; procedure. Within thirty days after the enactment of an ordinance proposing to annex territory to the city or reduce the limits thereof, one or more residents or freeholders of the territory proposed to be annexed or stricken off may file a petition in the Circuit Court of the county, setting forth the reasons why such territory or any part thereof should not be annexed, or why the limits should not be reduced. Summons shall be issued thereon, and be executed on the Mayor of the city as in other cases, and the answer of the city shall be filed within twenty days after the service of the summons. The case shall be tried according to the rules and practice prescribed for the trial of equity cases, but without the intervention of a jury. If the Court be satisfied, upon the hearing, that less than fifty per cent. (50%) of the freeholders of the territory to be annexed or stricken off have remonstrated, and that the adding or striking off of such territory to the City will be for its interest, and will cause no manifest injury to the persons owning real estate in the territory sought to be annexed or stricken off, it shall so find and said annexation or reduction shall be approved. If the Court shall be satisfied that fifty per cent. (50%) or more, of the resident freeholders of the territory sought to be annexed or stricken off have remonstrated, then such annexation or reduction shall not take place, unless the Court shall find, from the evidence, that a failure to annex or strike off will materially retard the prosperity of such City, and of the owners and inhabitants of the territory sought to be annexed

or stricken off. In case the Court shall so find, the annexation or reduction shall take place, notwithstanding the remonstrance. An appeal from the judgment of the Court may be taken, as in other cases, but there shall be no change of venue from the County. Costs shall follow the judgment. If the judgment of the Court be adverse to annexation or reduction, no further effort to annex or strike off such territory shall be made within two years after the rendition of such judgment. When any unincorporated territory shall be proposed to be annexed to any City under the provisions of this Act, the Court shall have the right and power to find and decree that all or a part or parts of such territory shall be added to such City, in which event the Court shall specifically indicate and prescribe by metes and bounds, or other clear and specified description, the territory which the Court finds should be so annexed, and that part only shall be annexed.

"Whenever it is deemed advisable to annex any City of the fifth or sixth class, or part of such City, to the City, the General Council of the City proposing to annex such City, or part thereof, shall, by a vote of two thirds of its members, pass an ordinance or resolution designating the City proposed to be annexed or defining accurately the part proposed to be annexed, if it be a part, declaring it to be desirable to annex such City or part thereof, and providing that the question of whether or not such City, or part thereof, designated in the ordinance, shall be annexed, shall be submitted to the qualified voters of such City, if it be proposed to annex such City as a whole, or if only a part of such City is proposed to be annexed by said ordinance, that the question shall be submitted to the qualified voters residing in such part of said City proposed to be annexed, at the next regular election to be held therein, if such next regular election shall not be held within sixty days after the passage of such ordinance.

"The Mayor of the City proposing to annex shall deliver a certified copy of such ordinance or resolution to the County Clerk of the County, who shall, if it be proposed to annex the whole of said City, on the ballots provided for use in the City proposed to be annexed, have printed thereon the question:

'Are you in favor of annexing to the City of .....?' filling in the blank with the name of the City proposing to annex, and opposite said question he shall print 'Yes' and 'No,' with the proper squares for stamping the cross mark to indicate preference. If it be proposed to annex only a part of said City, then the Clerk shall have said question printed on the ballots provided for use in each precinct embraced within that part of the City proposed to be annexed, and on the ballots of each precinct of which that part of the City proposed to be annexed constitutes a part. If only a part of any precinct is embraced within that part of the City proposed to be annexed, the Clerk of the Election shall, upon the ballots of all persons voting who reside in the precinct, but not within that part of it proposed to be annexed, mark an 'X' with the black ink stencil in the squares opposite both the words 'Yes' and 'No' before delivering the ballots to such voters to be used by them, so that they may not vote upon the question. The Clerk shall cause to be delivered by the Sheriff to the officers of election in each precinct a copy of said ordinance or resolution proposing to annex.

"If one half or more of those voting on the proposition shall vote in favor of annexing, then the City proposing to annex shall pass an ordinance declaring such City, or part thereof, as the case may be, annexed, and such City, or part thereof, shall therefrom become a part of the City."

Ordered that said bill be read the third time.

Senator Rogers moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| W. W. Booles | Alex E. Johnson | J. M. Rose |
| H. M. Brock | L. C. Littrell | R. H. Royster |
| Edwin C. Dawson | Frank I. Lloyd | E. D. Stephenson |
| Dr. T. J. Edge | Rev. C. D. McCaw | Joe Stewart |
| Walter N. Flippin | C.T.McCormick,Sr. | Thos. O. Turner |
| Chas. G. Franklin | Wm. Mehler | Fred C. VanHoose |
| Perry B. Gaines | E. C. Moore | F. M. White |
| Arch Hamilton | Ray B. Moss | Sewell B. Williams |
| J. S. W. Holloway | D. C. Naive | W. A. Yates |
| Robert Humphreys | Marion F. Pogue | Allie W. Young |
| Wm. Isaacs | Dr. G. W. Ragan | Gates F. Young |
| Silas Jacobs | O. M. Rogers | —35 |

Resolved that the title thereof be as aforesaid.

Senator Rogers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. B. 179. An Act enabling cities of the third class to acquire, construct, operate and maintain electric light, heat and power plants and to issue revenue bonds of such cities to pay the cost thereof, payable solely from the revenues of such works without the incurrence of indebtedness of said cities.

Senator Gates F. Young moved that said bill be recommitted to the Committee on Rules.

The question being taken thereon, was decided in the affirmative.

Said bill was recommitted.

The Senate took up for consideration from the Orders of the Day a bill of the following title:

S. B. 333. An Act relating to registration and other means of identification of voters for elections in counties of the Commonwealth containing a city of the first class; providing the revenue to defray the expenses of such registrations; repealing Chapter 48 of the Acts of the General Assembly of 1930 relating to and governing registration of voters for elections in cities of the first class to the extent that same relates to the registration of voters in cities of the first class for the general November election of 1932 and thereafter.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That in so far and to the extent that Chapter 48 of the Acts of the General Assembly of 1930, approved February 26, 1930, relates to and governs the registration of voters in cities of the first class, said Act and the provisions thereof are hereby repealed to the extent that same relates to and governs the registration of voters for the November election of 1932 and thereafter.

§ 2. Every citizen of the United States, not otherwise disqualified by the laws of this Commonwealth, who is twenty-one years of age, or who will become twenty-one years of age on or before the next regular election to be held in November of any year, or on or before the date of any special election, who will have been a resident of the State of Kentucky one year, and the county six months, and of the precinct, in cities or towns of the first class in such county, in

which he or she offers to vote, sixty days next preceding such election and who has registered as provided by this Act, and who is otherwise qualified, shall be entitled to vote for all offices elective by the people and on all measures or questions submitted for determination by the voters at any regular or special election.

§ 3. There is hereby created, in such county having a city of the first class in the State of Kentucky, a Board of Registration Commissioners designated as "The Board of Registration Commissioners of the County of ....." The administration of registration for elections in such county shall be centralized under the supervision and control of said board, as herein provided, in a single office.

§ 4. Said board shall be bi-partisan and consist of four members to be appointed by the Board of Election Commissioners of such county in the manner herein provided. They shall be citizens and electors of the county from which they are appointed, and not less than twenty-five years old. The first members of said board shall be appointed as soon as this Act becomes effective and they shall hold office until June 15, 1936, or until their successors are appointed and qualified. In 1936, and every fourth year thereafter, members of said board shall be appointed in the same manner and at the time herein provided, whose term of office shall be for four years from the 15th day of June, of such year, and until their successors are appointed and qualified. Members of said board shall be eligible for reappointment and to succeed themselves. The chairman of the county and city executive committees of the two political parties having representation on the county board of election commissioners, in the county in which such city of the first class is situated, may immediately upon this Act becoming effective and every fourth year thereafter, designate in writing a list of four names to the county board of election commissioners and from these names, if any are so designated, the members of said Board of Registration Commissioners shall, within five days, be appointed from said lists as follows: Two from each list so that said

board shall be composed of an equal number of members from the said two political parties, represented as hereinabove stated. If no lists are submitted to said county board of election commissioners, then said members shall be so selected and appointed so that two shall be of one such political party and two of the other such political party. It shall be the duty of the county board of election commissioners to determine the qualifications of said members before appointment. The county board of election commissioners shall have the power to remove any member of said board who is or shall become disqualified under the provisions of this Act. No removal shall be made at any time without cause, and the grounds shall be reduced to writing by said county board of election commissioners. Said commissioners, or any employee of said board, may be removed by the written request, properly certified to show that said action was legally taken, of the county and city executive committee of the party responsible for the appointment of said member or employee. If a vacancy shall occur by removal or otherwise, it shall be filled by the county board of election commissioners, or by said Board of Registration Commissioners, according to who made the original appointment, from a supplemental list of names, furnished in like manner as above provided, and in conformity with the provisions of this Act, and the member so appointed shall be of the same political party as his predecessor. If there shall be two or more contending county and city executive committees of the same political party in the county, then that executive committee which is recognized by the State Central Committee of such party, by the written certificate of the chairman thereof, shall be recognized by the county board of election commissioners in making the appointment of members of the Board of Registration Commissioners. Resignation from said board shall be in writing, directed to the county board and filed with the secretary thereof. The acceptance of any office, either elective or appointive, or becoming a candidate for any elective office, by any member of said board or employee, during his or her term of office shall, ipso facto, vacate said office. No members of the county and city executive committee of either party

shall be eligible to membership on the said Board of Registration Commissioners, nor to any clerical or other position under said board.

§ 5. The Board of Registration Commissioners of such county shall establish, maintain and be furnished offices in the county courthouse or County Armory of the county in which such city is situated. Said offices of said board shall be maintained permanently.

Said board is hereby authorized to organize and equip its offices in such manner as it may deem necessary and consistent with the provisions of this Act. The expense of supplies for and of organizing, equipping and maintaining said offices, shall be paid out of the County Treasury. Said board is hereby further authorized to appoint two chief clerks and two competent stenographers. The two chief clerks and stenographers shall hold office as herein provided, but shall be removable by the Board of Registration Commissioners for cause, and the grounds and action taken thereon by the board shall be reduced to writing by said board and made a part of its records. The County and City Executive Committees of the two political parties having representation on the county board of election commissioners, may each, immediately upon the appointment of the first members of said Board of Registration Commissioners, as herein provided, and not later than ten days thereafter, designate in writing a list of not more than two names for clerks and two names for stenographers to the Board of Registration Commissioners and from these names, if they are so designated, the two chief clerks and two stenographers of said board shall, within two days, be appointed from said lists as follows:

One chief clerk and one stenographer from each of said lists. If no such lists are submitted to said board, then the chief clerks and stenographers of said board shall be so selected and appointed as that one clerk and stenographer shall be of one political party and the other clerk and stenographer of the other political party. If said Board of Regis-

tration Commissioners can not agree upon the person or persons to be appointed as chief clerks of said board, and a tie-vote results, then the deciding vote shall be cast by the County Board of Election Commissioners. The Board of Registration Commissioners is hereby authorized to employ such other deputy clerks or employees from time to time and for such periods of time as, in the opinion of said board, may be necessary for the proper conduct of the business of said offices. The four Registration Commissioners, the two chief clerks and the two stenographers shall constitute the permanent force of registration employees. They shall devote their entire time, during office hours, to the work of registration and shall not engage in any other work. The Commissioners shall each receive an annual salary of two thousand four hundred dollars and the chief clerks and stenographers shall each receive an annual salary of one thousand eight hundred dollars. Additional or extra deputy clerks or employees shall be paid such compensation as may be fixed by the Board of Registration Commissioners, not to exceed compensation at the rate of one hundred and fifty dollars per month per person. The salaries and compensation of said chief clerks, stenographers, deputy clerks and employees shall be paid by the county in which said city is situated and in the same manner and at the same time that county officers are paid.

§ 6. All employees under this Act shall be selected in equal numbers from lists submitted by the City and County Executive Committees of each political party having representation on the County Board of Election Commissioners. All appointments from said lists shall be made by the board in the order in which the names appear thereon.

If a majority of said board can not agree upon any question which arises in connection with the administration of its office, not otherwise provided for, and which is within the jurisdiction of said board, then the chief clerk of said board shall be entitled to vote in the following manner: On the first disagreement the chief clerk of the Democratic party shall break the tie and on the next tie vote the chief clerk

of the Republican party shall break the tie, and thereafter the two chief clerks shall alternate in voting to break the tie vote.

§ 7. There shall be conducted in every county having a city of the first class, under the supervision of the Board of Registration Commissioners for said county, the following registrations, which shall be permanent, which means that the registration of any voter is continued so long as he or she resides at the registered address. First: A general initial registration in each precinct on the days and in the manner herein provided, which shall form the basis of the records to be established and kept at the office of said board as provided herein. Thereafter there shall be no further general registration in the precincts in such city except as is otherwise provided herein. Second: After said general initial registration all further registrations must be made at the offices of the Board of Registration Commissioners in said county in the manner herein provided.

§ 8. The general initial registration herein provided for shall be held and conducted in the manner herein provided in each precinct in each county containing a city of the first class on the 11th and 12th days of July, 1932.

§ 9. During and at said initial registration and thereafter, individual registration records shall be made and preserved by or under the supervision of the Board of Registration Commissioners in counties having a city of the first class as herein provided, for each qualified voter in said counties in the form of loose-leaf pages. Said registration records shall be maintained in triplicate. The original records and one copy thereof shall be filed in loose-leaf binders by precincts and shall constitute the precinct registers, to be used as herein provided; the other copy of said records shall be filed in a loose-leaf binder or binders, without regard to precincts, in alphabetical order for the entire county, to be used as herein provided.

§ 10. It shall be the duty of the Board of Registration Commissioners, constituted and appointed as herein provided, of counties having a city of the first class, not later than the 5th day of July, 1932, to appoint for each precinct in said county two judges, one clerk and one sheriff of registration, to act as registration officers in such precinct, at the general initial registration herein provided for, who shall be residents of said county and who shall serve and act as such for the days during which said general initial registration, herein provided for, shall be held in the year 1932.

The County and City Executive Committees in such cities, of the two political parties having representation on the County Board of Election Commissioners shall each, on or before the 1st day of July, 1932, designate in writing for each of said precincts a list of not less than four names to the Board of Registration Commissioners, and from these names, if any are so designated, the officers of registration shall, within five days, be appointed from said lists as follows: One judge at each place of registration shall be selected from each of said lists and in like manner the sheriff shall be chosen from one of said lists and the clerk from the other, and sheriffs clerks for said precincts shall be appointed alternately beginning with the first precinct in the first ward and so on through the last precinct in the last ward and in every election precinct in the county, so that each of such political parties shall have in each city of the first class and in every election precinct in the county having a first class city as near an equal number of sheriffs and clerks as possible. If no lists are submitted to said Board of Registration Commissioners, then the officers of said initial registration shall be so selected and appointed by said board as that one of the judges at each place of registration shall be of one such political party and the other judge of the other such political party, and there shall be a like difference at each registration place between the sheriff and the clerk of registration. No person shall be eligible as an officer of registration who has been convicted of a felony or is under indictment therefor, or who is not sober, temperate, discreet and of good demeanor,

or who has anything of value wagered on the result of the next election, or who is a candidate to be voted for at the next election, and who is not capable of reading the Constitution of the Commonwealth of Kentucky in English and of writing a plain hand. It shall be the duty of the Board of Registration to determine the qualification of said registration officers before appointment. The Board of Registration Commissioners shall have the power to remove all registration officers who are disqualified under the provisions of this Act, but no such removal shall be made at any time without cause, and the grounds shall be reduced to writing by said board and made a part of its records. If a vacancy shall occur by removal or otherwise, it shall be filled by said board from the list already submitted, if any, from which the officer was selected, and in conformity with the provisions of this Act. The Board of Registration Commissioners shall give due notice of said appointment of registration officers to the sheriff of the county in which said city is located, who shall, within five days next after said appointment, give each officer of registration written notice of his appointment. If there shall be two or more contending executive committees of the same political party in the county, then that executive committee which is recognized by the State Central Committee of such party, by written certificate of the chairman thereof, shall be recognized by said Board of Registration Commissioners in making the appointment of registration officers.

Should the Board of Registration Commissioners fail to appoint such officers of registration or if any of such officers fail to attend for thirty minutes after the time for commencing said general initial registration, or refuse to act, the officer in attendance representing the same political party of the absentee shall appoint a suitable person to act in his stead for said registration; or if both representatives of the same political party are absent, the qualified voters present affiliating with the party of said two absentees shall select, viva voce, suitable persons to act in their stead. Such officers of registration shall, before entering upon the duties of their office, take an oath faithfully to discharge their duties as such

officers before some person authorized to administer an oath, or if such person can not be present it may be administered by the clerk of the registration, who shall in turn be sworn by one of the judges of registration.

§ 11. The fact that a person has been appointed and is an election officer shall not disqualify such person from being appointed or as acting as a registration officer at the initial registration herein provided for.

§ 12. The registration officer for the initial registration herein provided for in each election precinct of said county having a city of the first class in this Commonwealth, shall, on July 11, 1932, proceed to register the qualified voters in each percinct, as provided herein, and such registration officers shall, beginning on said day, sit for two consecutive days between the hours of six A. M. and seven P. M. for the purpose of registering the qualified voters in each precinct, as herein provided.

§ 13. Each political party having representation on the County Board of Election Commissioners shall have the right, for, at and during said initial registration, to appoint one challenger in each precinct by certifying the name of such challenger to the officers to permit such challenger to remain in the place where said registration is being conducted for the purpose of challenging the right of any person to register.

§ 14. Officers of registration at said general initial registration shall have the same power to preserve order at the place of registration as is exercised by sheriffs of election at polls. Said officers shall register every citizen of the United States in his or her respective precinct in such county who shall apply to be registered at the time and place and in the manner required by law, who is legally qualified to vote at the next election after such registration. Every person so applying to be registered shall be required to sign in triplicate his or her first, middle and last name in full, in his or her own handwriting, upon loose-leaf registration record

forms to be used in his or her respective precinct, and which signature shall be attested by the clerk and sheriff of said precinct, and there shall also be entered on said original loose-leaf registration record form, in proper places provided therefor, the name of such person applying, address of such person, the color or race, and sex of such person, his or her apparent weight and apparent height, his or her party affiliation, his or her occupation, if any, at the time of such registration, the birth-place and date of birth or apparent age of such person; length of time in State, county and precinct; if naturalized; when and how, and other means of identification, and the date of such registration. The original loose-leaf record forms shall also contain blank spaces sufficient for six years of comparative signatures of voters which must be made on original registration record before ballot is issued voter. Where voter swears he is unable to write, the word "sworn" should be written in blank for said year's election by clerk of precinct.

In the event any person applying to register shall state that he or she can not write his or her name, as above provided, the clerk shall swear such person and the officers of registration shall make such investigation of the case as they deem necessary, and after such oath has been taken and such investigation made, and if it shall be determined that such person is entitled to register, the clerk shall sign the loose-leaf registration record form for such person, and such person shall sign said record by making his or her mark thereon, and the clerk shall attest such mark and note on said record that said person's name was signed at the request of the person so registered and upon oath and testimony that such person could not write.

If any officer of registration, or any challenger, entertain any doubt as to whether or not any person offering for registration is entitled to such registration, or if anyone's right to register is challenged, citizens may be called in, not exceeding three in number, who shall be examined touching the qualifications of such person or persons who offer to register.

In making registration the clerk shall act as the recording officer, and the judges shall decide all questions relating to the qualifications of persons offering to be registered, except that, in case of a difference of opinion between the judges, the clerk shall have the deciding vote.

It shall be the duty of the sheriff of each county in which there is a city of the first class to furnish a suitable and convenient place in each precinct for such initial registration.

It shall be the duty of the officers of said general initial registration in each precinct to return the individual registration records in the form of loose-leaf pages, which have been signed as herein provided, and all unsigned pages, blanks, forms and all paraphernalia to the office of the Board of Registration Commissioners of the county in which the said initial registration is held, not later than two days after the holding of said initial registration, and said board shall immediately cause to be made four exact copies of the records of each person who registered at said general initial registration. For the purpose of making the said copies of said records of said general initial registration, the Board of Registration Commissioners is hereby authorized to employ such necessary additional temporary extra employees and help, in addition to the clerks and employees provided for in Section 5 of this Act, in order that the records of said board and the work herein specified shall be completed within thirty days after initial registration. Such additional temporary extra employees shall be paid in the same manner as is provided in Section 5 of this Act for the payment of the clerks and employees thereby authorized. Said board shall preserve the original record of each registrant, signed by him or her, and two of said copies thereof, in its office, arranged as herein provided. Said board shall then furnish one copy of said records aforesaid to each of the city executive committees of the two political parties having representation on the County Board of Election Commissioners.

The chief clerks and employees in said office shall file,

arrange and group the original signed loose-leaf registration records or pages, and one set of signed copies thereof, according to precincts, to be known as precinct registers. Said precinct registers shall be arranged in order by streets and numbers in each respective precinct, except in precincts outside the corporate limits of said city of the first class, the said two registration records shall be arranged in alphabetical order according to the last names of said voters. Where more than a single voter is registered at one and the same address said loose-leaf registration record of said voters at said address shall, in said precinct register, be arranged in alphabetical order under said address according to the last names of said voters. The other set of signed copies of said loose-leaf registration records, retained by said board, shall be filed and arranged without regard to precincts in alphabetical order for the entire county according to the last names of said voters.

Upon each primary, special or general election, the precinct registers, containing the original loose-leaf registration records, signed by the voters, after having first been securely locked in the loose-leaf binders provided therefor, shall be turned over by the board to the regularly appointed clerks of election of each respective precinct for their use in holding said election. Said clerks shall sign receipts for said precinct registers and within two days after such election or primary said clerks shall return said precinct registers to the office of said board and receive a receipt therefor.

Before a ballot shall be issued to any such person, applying therefor and writing his or her name on the said original registration record, as provided for herein, it shall be the duty of the judges of the election in that precinct to compare the signature of every such person, as soon as he or she has so written his or her name, as herein provided, with the signature of said person on the loose-leaf registration record in the precinct register. The challengers of the respective political parties present shall also have the right to compare said signatures at the same time said comparison is made by

said judges of the election. If the signature does not correspond with and is not the same as the signature on the original registration record in that precinct register, a ballot shall not be issued to the person so applying. In case of a difference of opinion between the judges over said signature, the sheriff of the election shall have the deciding vote. And if a ballot is issued to such person in violation hereof, the election officer or officers issuing such ballot or consenting thereto and the person receiving same, shall severally be guilty of a felony and such offense shall be punishable by a fine of not less than one hundred dollars nor more than one thousand dollars for each offense or imprisonment in a State penitentiary for not less than one year nor more than five years, or both such fine and imprisonment. And if any election officer wrongfully and wilfully refuses to issue a ballot to a person entitled to same, he shall be guilty of a felony and such offense shall be punishable by a fine of not less than one hundred dollars nor more than one thousand dollars for each offense, or imprisonment in the penitentiary of not less than one year nor more than five years, or both such fine and imprisonment.

In the event any person applying to vote at any election shall state that he or she can not write his or her name as above provided, the clerk in that precinct shall immediately swear such person as to his or her name and his or her inability to write his or her name and thereupon he and the challengers of the respective political parties shall examine the loose-leaf registration record in the precinct register, and if it be shown by said record that the person of that same name signed his or her name on the loose-leaf registration record in his or her own handwriting a ballot shall not be issued to the person so applying. And if a ballot is issued to such person in violation thereof the election officer or officers issuing such ballot or consenting thereto and the person receiving same, shall severally be guilty of a crime and such offense shall be punishable by a fine not less than one hundred dollars nor more than one thousand dollars for each offense, or imprisonment in a State penitentiary for not

less than one year nor more than five years, or both such fine and imprisonment. And if a ballot is wrongfully and wilfully refused to a person entitled to vote, the election officer or officers so refusing such ballot or any election officer or officers consenting to said refusal shall severally be guilty of a felony and such offense shall be punishable by a fine of not less than one hundred dollars nor more than one thousand dollars for each offense, or imprisonment in the penitentiary for not less than one year nor more than five years, or both such fine and imprisonment.

§ 15. The Board of Registration Commissioners and the Chairman of the County and City Executive Committee, in said county, of each of the two political parties having representation on the County Board of Election Commissioners shall constitute and compose a board to prepare proper loose-leaf registration blanks, forms and loose-leaf binders for the registration of voters as herein provided. It shall be the duty of said committeemen and board to have said loose-leaf registration blanks, forms and binders properly prepared on or before the 5th day of July, 1932, by which date the necessary blanks, forms and binders shall be in the hands of the Board of Registration Commissioners of each county having a city of the first class in the State for distribution to the officers of the initial registration in each precinct of said county as herein provided. Said loose-leaf registration blanks, forms and binders shall be printed, prepared and furnished as other books are now printed and prepared for the Commonwealth. Said blanks, forms and binders shall be paid for by each county out of the county treasury, as is now provided by law for the payment of any and all other blanks, forms and books furnished each county by the State of Kentucky. The forms of the loose-leaf registration record for each voter shall be 4½ inches x 7½ inches, and in forms as follows:

REGISTRATION RECORD

.....

Sex Color Party Last Name First Name Middle Name Pct. Ward

.....

Occupation Number Street

Will you be 21 years of age or

AGE over at next general election

.....

Birth place

Weight Ft. In. If Naturalized

.....

Height Date Where Court

In State In county In precinct

years months days

.....

State of Kentucky Other means of identification

County of—ss.

Jefferson

Subscribed and sworn to before me this ..... day of ..... 19 ..... His or her mark.

I do solemnly swear or affirm that I possess the legal qualifications to register and that the statements made by me herein are true to the best of my knowledge and belief.

.....

Signature of applicant.

Attest Attest

.....

Prct. Clerk, Board Member or Employee

Sheriff, Board Member or Employee

The above registrant stated under oath that he could not

write his name and at his request I signed his name for him.

Attest Attest

.....

| Signature | Signature |
|---|---|
| 1932 Primary ..... | 1932 Election ..... |
| 1933 Primary ..... | 1933 Election ..... |
| 1934 Primary ..... | 1934 Election ..... |
| 1935 Primary ..... | 1935 Election ..... |
| 1936 Primary ..... | 1936 Election ..... |
| 1937 Primary ..... | 1937 Election ..... |

§ 16. Each officer of registration for said general initial registration shall receive as compensation the sum of five dollars per day for each day he or she is required to register voters, to be paid out of the county treasury.

§ 17. After a person has once registered in the precinct in said county or city in which he or she resides, either at the initial registration or thereafter, as herein provided, it shall not be necessary for such person again to register except as herein provided. If and when said person moves from the precinct in which he or she is registered into a different precinct, such person, before he or she shall be permitted to vote in any election, shall have his or her registration record canceled and register in new precinct in the manner herein provided.

§ 18. Only the persons who are duly and properly registered, as herein provided, more than fourteen days preceding any primary election in each year shall be permitted to participate in and vote at such primary election. During the period commencing on the 14th day preceding any primary election in any year, and lasting through the day on which such primary election is held, any person legally qualified to register but who has theretofore failed to register, or who desires to change his or her registration, may register or change his or her registration in the manner herein provided;

but such person shall not me entitled to participate in or vote at such primary election in that year. It shall be the duty of the Board of Registration Commissioners to register such persons, or to change their registration records, who apply during such period. But said board shall not place the registration records of such persons in the respective precinct registers until after the primary election in that year has been held, provided the provisions of this Act and the registrations made thereunder shall not apply to nor affect the qualification of any voter in any primary or special election held previous to the regular November election of 1932. The registration records now in force in cities of the first class in the State of Kentucky shall be used in the regular August primary of 1932 or in any special election that may be called, and the special primary registration for said August primary of 1932 shall be held as now provided by law to supplement said present registration records, and those voters residing outside of a city of the first class in said counties shall be required to register under the provisions of this Act for qualification to vote in the general November election of 1932 and thereafter.

§ 19. After the general initial registration in 1932 has been held, as herein provided for, no person shall be permitted to register until the Board of Registration Commissioners opens its offices as herein provided. Commencing August 1, 1932, the Board of Registration Commissioners of such county shall open its offices for the purpose of conducting and making all further and future registrations in such county of such qualified voters of such county as have heretofore failed to register in the precinct in which they live or who have moved from the precinct in which they had registered into a different precinct in said county. Said office shall be maintained and kept open every day in each year between the hours of 8:30 A. M. and 5:00 P. M. excepting Sundays and legal holidays, and excepting the period of 60 days each year commencing 55 days preceding any election held in November of any year. Provided, however, that said offices may be kept open until 10:00 P. M. on two days out of each month, to be fixed by the

Board, except during the said 55 day period when such offices are closed as herein provided. Said offices may be closed at 1:00 P. M. on Saturdays if and when such closing is authorized by said board. Commencing on the 55th day preceding the November election in each year and for a period of 60 days thereafter, no person who has not theretofore registered shall be permitted to register or transfer to any other precinct in such county during such period. For the purpose of registering persons not theretofore registered, said offices during said 60 day period shall be deemed closed. Except during the hours and periods in each year when said offices shall be closed, as herein provided, any person, qualified to register in said county containing a city of the first class, who has not theretofore registered, may, upon going in person to the Board of Registration Commissioners in said county, register in the manner herein provided. Said registration shall be made in the same general manner provided herein for registration at the initial registration, and under such rules as the Board of Registration Commissioners shall adopt, consistent with the provisions of this Act. The same number of copies of said registrations shall be made, preserved, and disposed of, in the same manner as provided in Section 14 of this Act. At any time during the year, excepting said 60 day period, any person who is registered in said county and who has moved from the precinct in which he or she is registered to a different precinct in said county, may, upon going in person to said office, have his or her prior registration changed in the manner herein provided.

It shall be the duty of any person who is registered under this Act and who moves thereafter from the precinct in which he or she is registered to a different precinct in said county, to go in person, as soon as possible after such removal, to the office of the Board of Registration Commissioners and have former registration record canceled and then register from present address. And if such removal or removals took place more than 60 days prior to the next election, and said person at said time is otherwise qualified to register, it shall be the

duty of said board to cancel former registration and have applicant register from present address.

§ 20. Whenever and wherever the boundaries of any precinct are changed by law, and such change places a registered voter of any old precinct in a new or different precinct, it shall be the duty of the Board of Registration Commissioners and its officers and employees to transfer the individual registration records of such voters in said old precinct to the proper new precinct register in which such voters are placed by said change of boundaries. And said transfer shall be made without any application therefor by such registered voters. Such change of precinct and ward numbers and the date thereof shall be noted in the individual registration records of such voters, and a notice shall be mailed by said board to such voters advising him or her of such transfer.

§ 21. Any registered voter may, at any time during office hours of the Board of Registration Commissioners, change his or her party affiliation by appearing in person before the officers and employees of said board at its offices and making application that such change be made. It shall then be the duty of the board to cancel the former registration record and have applicant register in order to change party affiliation.

§ 22. Any person who shall disturb, intimidate, abuse or by force or other unlawful means hinder, delay or disturb or attempt to hinder, delay or disturb, any officer of registration, while performing his or her official duties, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than one hundred dollars. And any person who shall intimidate, abuse, or by force or threat attempt to intimidate or prevent any lawful registrant from registering shall be guilty of a misdemeanor and upon conviction shall be fined not less than ten dollars nor more than fifty dollars, or confined in jail for not less than ten days nor more than thirty days.

§ 23. If and when any person is denied proper registration by the registration officers at the initial registration or by the officials or employees in the office of the Board of Registration Commissioners, or if the registration record of any person is altered in any way, or transferred, such person or either of the executive committees, may appeal to said Board of Registration Commissioners for a hearing and correction in respect to said registration alteration or transfer. The hearing of such appeal shall be conducted in the manner and under such rules and regulations as may be adopted by said board and not inconsistent with the provisions of this act. No such appeal, in respect to any action on the part of said registration officials, may be filed later than thirty days prior to any election. The board shall proceed to hear such appeals as soon after same are filed as possible, but not later than ten days thereafter, and in each case it shall make and file its written order disposing of same. If upon such appeal registration, or correction, is denied by said board then and in that event such person, so denied, or either of the executive committees, shall have the right, not later than five days after said final order is filed, to appeal such order of said board to the Election Commissioners of the county in which such city is located by filing with the clerk of such Board of Election Commissioners a petition of appeal. Such appeal shall be heard by said Board of Election Commissioners de novo. Upon the filing of such petition it shall be the duty of said clerk to cause to be issued immediately a notice thereof to the Board of Registration Commissioners and place same in the hands of the sheriff of such county who shall within twenty-four hours serve said notice on one of the chief clerks. It shall be the duty of said chief clerk immediately to mail a notice of said appeal to each of the County Executive Committees of said county, of the political parties represented on the County Board of Election Commissioners. Said cases shall be docketed for a hearing on the seventh day after same are filed with the clerk, or upon the order of said Board of Election Commissioners, may be heard on an earlier date, in which case the clerk shall give notice of such order by mail to the petitioner and the Board of Registration Commissioners. Appeals may

be prosecuted from the decisions of the Board of Election Commissioners to the circuit clerk in the time and manner provided for civil appeals.

§ 24. Any officer of registration who shall willfully fail to perform his or her duty, as set forth in this act, shall be guilty of a misdemeanor, and upon conviction be fined not less than ten dollars nor more than one hundred dollars.

§ 25. The following means and methods shall be used to purge the registration records, herein provided for, and keep them corrected up to date, to-wit:

(1) The Board of Registration Commissioners shall preserve the original records of all registration records which are canceled, for whatever reason, in a separate permanent file, and they shall be filed and arranged in alphabetical order for the entire county according to the last name of the person registered thereon.

Said file shall be designated "The Canceled Registration Register." When a registration record is canceled, the original record and the two copies thereof shall be marked in large letters in red "canceled," and there also shall be noted thereon in red ink the reason for such cancellation. The original of such record shall be preserved as above provided. The board shall on the first day of each week transmit one set of the canceled copies of the signed registration records canceled during the preceding week to each of the County Executive Committees, of such county, of the political parties represented on the County Board of Election Commissioners.

(2) It shall be the duty of the office and officers of the Bureau of Vital Statistics of the State Board of Health, located in any city of the first class, to furnish, on Monday of each week, to the Board of Registration Commissioners of said county, an official and certified report containing a complete list of the registration of deaths occurring in said county during the week immediately preceding thereto; likewise, it

shall be the duty of the clerk of the circuit court of such county to furnish on Monday of each week to the board an official and certified report containing the names and addresses of all persons who have during the week immediately preceding been adjudged insane or convicted of treason or felony or bribery in any election, and the offense of which each person was convicted; likewise, it shall be the duty of the clerk of the county court of such county to furnish on Monday of each week to the board an official and certified report containing the names and addresses of persons whose names have been changed by marriage, or otherwise, as evidenced by the record, during the week immediately preceding thereto. Said lists shall be used by the Board of Registration Commissioners to purge the registration records.

Immediately upon receipt of such lists of deaths, adjudications of insanity, convictions and changes of names, it shall be the duty of the board, for the purpose of avoiding mistakes, to mail a notice to any person whose name is included in said lists, and who is registered as herein provided, at the address appearing on the registration record of such person, stating that the registration record of such person will, unless protest is filed within five days from and including the date of such notice, be canceled and the reason therefor. The failure to file a protest within said time, shall cause the registration record of such person to be canceled. If a protest is filed, the board shall investigate the case and shall correct any mistake in the registration records concerning such person which such investigation discloses. It shall be the duty of the board on Monday of each week to cause to be removed from the registration records, maintained in triplicate as herein provided, the registration record of any person to whom notice was mailed, and no protest filed, as herein provided, and to cancel said registration records and to preserve and dispose of the original and copies of said registration records as provided in the preceding Subsection No. (1).

(3) Whenever any elector, who is registered, moves out of the precinct, in which he is registered, to a different

precinct in said county, it shall be his or her duty to go in person to the office of the Board of Registration Commissioners, and make and sign an application to have his or her registration record changed and transferred to the proper precinct as herein provided. Said application and the means of identifying the applicant shall be made in the same manner and form provided for original registration, and it shall be the duty of said board to keep a record of all changes, and to furnish the county and city executive committees of said county of the two political parties having representation on the County Board of Election Commissioners with lists thereof in the same manner as hereinbefore provided.

(4) If any elector, who is duly and properly registered, fails to vote at any election within a period of two years, as shown by the voting record of such person on his or her registration record, the registration record of such person shall be canceled. Provided, however, the elector whose registration is about to be canceled for this reason shall be notified through the mails of that fact and he or she shall be permitted to reinstate his or her registration by mailing to the registration office, within five days after notice, a signed request for reinstatement. Cancellation of this character shall be handled in the same manner as other cancellations are made under the provisions of this act. If an elector is denied such reinstatement such a person may appeal in the same manner prescribed in Section 23 of this act.

It shall be the duty of the board to cause to be made a house to house canvass in each precinct of said county in each year, for the purpose of checking the registration records. Said canvass shall be made jointly by two investigators in each precinct. One of said investigators in each precinct shall be appointed by the board from lists of three names per precinct to be submitted in writing by one of the county executive committees, and one in each precinct from lists of three names per precinct to be submitted in writing by the county executive committee of the opposite political party. Said lists shall be submitted ten days in advance of the date specified

herein for the commencement of said canvass; and in the event either committee fails to submit a list or lists within said time, then the board shall appoint the investigators to represent the party failing to furnish such list or lists, in its own discretion, from persons registered as members of that party. The board shall have the right, in its discretion, to remove any investigator and to appoint a substitute from the lists submitted as above provided, or in the event no lists have been submitted or all the names thereon have been exhausted, to appoint any person registered as a member of the same political party as the investigator who is removed. All appointments from said lists shall be made by the board in the order in which the names appear thereon.

Said canvass shall be made during the first week of the period of 60 days next preceding the general election held in the year 1932 and each year thereafter.

The board shall prepare and furnish each investigator with a list of the names and addresses of the registered voters in the precinct which he is to investigate, arranged in convenient order to facilitate the investigation.

The investigators appointed as aforesaid for each precinct shall make a written report to the board, not later than the last day of the said one week period, giving the names and addresses of all persons registered in said precinct who are not legally entitled to vote at the election to be held in such year. Where the reports of the investigators in any precinct agree that any person registered in said precinct is not legally entitled to vote at the election to be held in such year, the board shall make such cancellations in the registration records in its possession as may be necessary to make said records correspond with the reports made by said investigators and correct up to date; provided that no such change shall be made until after notice has been mailed to the person affected, at the address appearing upon his registration record on file in the office of the board, stating that it is the intention of the board to cancel his registration unless protest is filed

within five days, nor until after the expiration of said five day period; and in the event protest is filed, no such change shall be made until after the protestant has been given a reasonable opportunity to be heard.

The investigators hereinabove provided for shall be paid by the board such compensation, not exceeding five dollars per investigator per precinct, as the board shall determine.

Protests filed under the provisions of this subsection shall be heard by the board as expeditiously as possible and in such manner and at such times as herein provided; and the final actions of said board in these cases must be filed not later than the day following the date of said written orders. Said appeals shall be taken and disposed of in the same manner as provided for appeals and hearings thereof in Section 23 of this act. The board shall on or before ten days prior to any November election, furnish each county and city executive committee of said county, of the two political parties represented on the County Board of Election Commissioners, with a copy of its records of all changes, transfers and cancellations so made under the provisions of this subsection in the registration records of said office. No further change or cancellation shall be made in registration records until after the election, except to correct clerical errors, all of which clerical corrections shall be reported daily to each of the executive committees.

(5) Any citizen of such county and each of the county and city executive committees shall have the right to challenge the registration of the registered voters. Such challenge shall contain the name and address of the registered voter, the grounds of the challenge and the signature of the challenger and shall be filed not later than four weeks prior to any election. Such challenge shall be heard and appropriate action thereon taken by the Board of Registration Commissioners at such time as it may fix, after notice has been served the challenged voter. Said notice to the challenged voters shall direct them to appear within three days and show cause

why their name should not be canceled and shall be served by an employee of the board, to be employed and paid in the same manner as herein before provided for extra help, by delivering or offering to deliver a copy of said notice to said voter in person, or, if said person can not be found at his place of residence as shown by his registered record, by leaving a copy thereof, with a person over the age of sixteen years, residing in the same family with said voter; or if no such person be there, by affixing such copy to the front door of such place of residence, and the person who serves such notice must make an endorsement on the notice stating when and how it was served; and, if a copy of it be not delivered to the person to whom it is directed, the endorsement must state the fact authorizing the manner of service pursued, and if the person who serves the notice be an officer, his endorsement must show his official position; if he be not an officer, he must make an affidavit that his endorsement is true, that he is over sixteen years of age, and that he is not a party to, nor interested in the proceeding. Such endorsement of an officer and such endorsement and affidavit of one who is not an officer shall be proof of service. Such officer or person authorized to serve the notice shall make a return within three days after the receipt of such notice. The failure of an elector, against whom a challenge has been served, as herein provided, to appear, shall be prima facie evidence that he or she is not entitled to be registered and shall cause his or her registration record to be canceled. Appeals from the action of said board may be taken in the manner provided in Section 23 of this act.

§ 26. Any voter who changes his or her name by marriage or otherwise shall be required to register anew. The old registration record of such voter shall be marked "Canceled .....name changed to .....," and the new name inserted in the blank space therefor; and same shall then be placed and filed in the "canceled registration register," and the copies thereof disposed of, as herein provided.

§ 27. In addition to the registration records proper,

herein provided for, the office of the Board of Registration Commissioners shall maintain adequate and systematic records to be adopted by said board, covering the following subjects: (1) Personnel of all employees, permanent, temporary and field. (2) Fraud cases, protests and appeals, including reports, investigations, hearings, trial and disposition. (3) Official actions of the office, or board, including complaints and petitions received. (4) Detailed statistics of registration in voting. (5) Financial accounts.

§ 28. It shall be the duty of the Board of Registration Commissioners and its officers and employees to keep the registration records, herein provided for, safely in its office and not to suffer same to be taken therefrom except that the precinct registers, containing the original of the registration records of the voters in the respective precincts, may be taken from said office for the purposes provided for herein or on the order of any court or the County Board of Election Commissioners for the purpose of using same in any trial or proceeding. The board shall permit any citizen, at such time or times as will not interfere with the proper conduct of its office, to copy any registration record without fee or charge. Copies of registration records made and furnished by said board shall be paid for by the person ordering and receiving same at the rate of twenty-five cents per copy for each registration record so copied. Fees so collected by said board shall be paid by said board into the county treasury each week.

§ 29. In the event the original of any individual registration record is lost or destroyed by fire or otherwise, or so mutilated, blotted, defaced or otherwise in such condition as to render same difficult, troublesome or unsafe to use same longer, the Board of Registration Commissioners may order a new registration of voters in said precinct which shall be conducted in the same manner as registration of voters is conducted in the precincts at the initial registration as herein provided for; or said board may make new registration records of the said voters in such precinct in the manner herein provided for the replacement of a single lost or mutilated registration record.

§ 30. Any member of the Board of Registration Commissioners, the chief clerk and each of the employees, temporary or permanent, of said board, shall, during their respective terms of office or employment, have authority to administer oath to any person of whom information is sought touching any matter pertaining to the administration of this Act; and furthermore any member of said board, or any of its said officers or employees, may issue and serve subpoenaes for witnesses to appear and give testimony in any investigation having for its purpose inquiry into the registration of any person under this act. Any person who shall refuse to take the oath herein provided and any person who shall fail to attend in compliance with such subpoenae, served by delivering a copy thereof to such person, and any person having been sworn shall refuse to answer any pertinent question put to such person, shall be deemed guilty of a misdemeanor and fined not less than five nor more than one hundred dollars, or imprisoned in the county jail not less than five nor more than thirty days, or both so fined and imprisoned. Any person, having been sworn as herein provided, who shall wilfully and knowingly give in evidence that which is false, concerning any subject or subjects pertaining to the registration of any person registered or seeking to register, shall be deemed guilty of a felony and be confined in the penitentiary not less than two nor more than five years. The word "oath" as used in this act shall include affirmation.

§ 31. Any person who shall cause himself to be registered in more than one election precinct, or give a false number of his residence, or registered more than once, in the same precinct, or who shall cause himself to be registered, knowing that he is not lawfully entitled to registration, or any person who shall make a false oath as to his ability to read or write, or any person who shall aid or abet in the commission of any of said acts, shall be deemed guilty of a felony, and shall be imprisoned in the penitentiary not less than two nor more than five years.

§ 32. Any officer of registration, or member, officer or

employee of the Board of Registration Commissioners, or election officer, or other person, who shall unlawfully alter any registration record, or add any name thereto, or who shall wilfully secrete, suppress or destroy any such record or records, or who shall make or aid in making any false or fraudulent registration record, shall be deemed guilty of a felony, and shall be confined in the penitentiary not less than two years nor more than five years, and shall forfeit any office he then holds, and shall forever be disqualified from holding office.

§ 33. Any person who, by himself or in the aid of others, shall forcibly break up, or attempt to break up, a registration held as provided in this act, or shall forcibly prevent or attempt to prevent, any person from approaching or entering a place of registration, shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned not less than six months nor more than twelve months in the county jail, or both.

§ 34. The officers of registration shall not require any person applying to register to state his or her age, if he or she objects to answering such question, except that each person applying to register shall state that he or she is more than twenty-one years of age, or will be at least twenty-one years of age on the day of the next election.

§ 35. All supplies, required under this act, shall be bought by competitive bids upon uniform specifications and contract shall be awarded to the lowest bidder.

§ 36. If any section, paragraph, clause or separable provision of this act should be adjudged to be unconstitutional, such decision shall not affect, or render unconstitutional, any other section, paragraph, clause or separable provision of the Act, it being the intention of the General Assembly, in enacting this Act, to enact each section paragraph, clause and provision separately.

§ 37. The registration records now existing in cities of

the first class in the State of Kentucky are hereby declared to be null and void and canceled. Said registration records or books shall be delivered, by the officials in whose charge and possession said records now are, to the Board of Registration Commissioners of such counties, herein provided for and created. Said board shall preserve said old records, for purpose of reference and for such other purposes as may be necessary, for a period of not less than two years, after which said old records may be destroyed, in the discretion of the board.

§ 38. This act and each of its various sections, paragraphs, clauses and provisions shall be liberally construed in favor of the purposes of this act.

§ 39. All laws or parts of laws relating to the registration of voters in cities of the first class in this State, conflicting with the provisions of this act, are hereby repealed.

Senator Allie W. Young proposed the following amendment to said bill:

Amend Senate Bill No. 333 by withdrawing Section 36 on page 31 therein and substituting therefor the following:

Section 36. If any section, paragraph, clause or separable provision of this act insofar as the same relates to and requires the registration of voters in the county or counties outside of the corporate limits of cities of the first class should be adjudged to be unconstitutional, such decision shall not affect, or render unconstitutional, any other section, paragraph, clause or separable provision of this act insofar as it relates to and requires the registration or other means of identification of voters living within the corporate limits of any city or cities of the first class, it being the intention of the General Assembly in enacting this act to enact each section, paragraph, clause or provision separately.

Senator Allie W. Young moved the adoption of said amendment.

The question being taken thereon, was decided in the affirmative and

Said amendment was adopted.

Senator Lloyd moved said bill be laid on the table.

The question being taken thereon, was decided in the negative.

Said motion was lost.

Ordered that said bill be read the third time.

Senator Allie W. Young moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Robert Humphreys | O. M. Rogers |
| W. W. Booles | Silas Jacobs | R. H. Royster |
| Edwin C. Dawson | L. C. Littrell | E. D. Stephenson |
| Thos. C. Ferguson | C.T.McCormick,Sr. | Thos. O. Turner |
| Chas. G. Franklin | E. C. Moore | Sewell B. Williams |
| Perry B. Gaines | D. C. Naive | W. A. Yates |
| Arch Hamilton | Marion F. Pogue | Allie W. Young |
| J. S. W. Holloway | Dr. G. W. Ragan | Gates F. Young |

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Those who voted in the negative were:

| | | |
|---|---|---|
| H. M. Brock | Frank I. Lloyd | J. M. Rose |
| Dr. T. J. Edge | Rev. C. D. McCaw | Dr. Lewis Ryans |
| Walter N. Flippin | Wm. Mehler | Fred C. VanHoose |
| Wm. Isaacs | Ray B. Moss | F. M. White |
| Alex E. Johnson | | —13 |

Resolved that the title thereof be as aforesaid.

Senator Allie W. Young moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill of the following title:

H. B. 392. An Act providing for the practice of barbering and beauty specialists requiring the registration of barbers and apprentices and beauty specialists and apprentices, and the supervising of barber and beauty shops.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. Requirement of Registration.

(a) That after July 1, 1932, no person shall practice or attempt to practice barbering, or that of beauty culture, without a certificate of registration as a registered barber, or beauty specialist issued pursuant to the provisions of the herein act, by the Board of Barber and Beautician Examiners, hereinafter established.

(b) After July 1, 1932, no person shall serve or attempt to serve as an apprentice under a registered barber or beauty

specialist without a certificate of registration as a registered apprentice issued by the board.

(c) After July 1, 1932, it shall be unlawful to operate a Barber Shop, or Beauty Shop unless it is at all time under the direct supervision and management of a registered Barber or Beauty Specialist.

§ 2. Practice Defined.

Any one or combination of the following practices (when done upon the upper part of the human body for cosmetic purposes and not for the treatment of diseases or physical or mental ailments and when done for payment either directly or indirectly, or without payment for the public generally) constitutes the practice of barbering, or beauty culture.

(a) Shaving or trimming the beard or cutting the hair.

(b) Giving facial and scalp massage or treatments with oils, creams, lotions or other preparations either by hand or mechanical appliances.

(c) Singeing, shampooing or dyeing the hair or applying hair tonics.

(d) Applying cosmetics, preparations, powders, oils, clay or lotions to scalp, face, neck or upper part of the body.

The practice of Beauty Culture shall include each above named section. But Ladies' Hair Cutting only of Section A. Permanent Waving, Marcelling and Finger Waving.

§ 3. Practice of Apprentice.

No registered apprentice may independently practice barbering or practice as a beauty specialist, but he or she may as an apprentice, do any or all of the acts constituting the practice of barbering, and that of a beauty specialist under

the immediate supervision of a registered barber or beauty culturist, and only one shall be employed in any licensed shop.

§ 4. Exemptions.

The following persons are exempt from the provisions of this act, while in the proper discharge of their professional duties.

(a) Persons authorized by the law of this State to practice medicine and surgery.

(b) Commissioned medical or surgical officers of the United States Army, Navy, or Marine Hospital Service.

(c) Registered nurses.

§ 5. Qualification for Certificate of Registration as Registered Barber and Registered Beauty Specialist.

A person who is qualified to receive a certificate of registration to practice barbering and beauty culture.

(a) Who is qualified under Section 6 of this act.

(b) Who is at least eighteen (18) years of age.

(c) Who is of good moral character and temperate habits.

(d) Who has practiced as a registered apprentice for eighteen (18) months under the immediate supervision of a registered member of his or her profession, and

(e) Who has passed a satisfactory examination conducted by the board to determine his or her fitness to practice barbering or beauty culture.

An applicant for a certificate of registration to practice

as a registered barber or beauty specialist, who fails to pass a satisfactory examination conducted by the board must continue to practice as an apprentice for an additional six (6) months before he or she is entitled to take the examination for a registered barber or beauty specialist.

§ 6. Qualifications for Certificate of Registration as Registered Apprentice.

A person is qualified to receive a certificate of registration as a registered apprentice:

(a) Who is at least sixteen and one-half (16½) years of age.

(b) Who is of good moral character and temperate habits.

(c) Who has graduated from an accredited school of barbering or beauty culture and who has passed a satisfactory examination conducted by the board to determine his or her fitness to practice as a registered apprentice.

An applicant for a certificate of registration to practice as an apprentice, who fails to pass a satisfactory examination is required to complete a further course of study of not less than five hundred (500) hours, to be completed within three months of not more than eight (8) hours in any working day in an accredited school of barbering or beauty culture.

§ 7. Minimum Standard of Professional Education.

No school of barbering or beauty culture shall be approved of the board unless it is accredited and requires as a prerequisite to graduation, a course of instruction of not less than seven hundred hours to be completed in four months of not more than ten hours a day; such course of instruction to include the following subjects: Histology of the hair, skin, nails, muscles, and nerves of the face and neck; elementary

chemistry, relating to sterilization and antiseptics; diseases of the skin, hair, glands, massaging and manipulating the muscles of the upper body; hair cutting, shaving, arranging, dressing, coloring, bleaching and tinting the hair, and such other courses as scientific research and progress in the future may render desirable.

§ 8. Application for Examination.

Each applicant for examination shall make application to the board on blank forms prepared and furnished by the board, such application to contain proof under the applicant's oath of the particular qualifications of the applicant.

Furnish the board two 3-inch by 5-inch signed photographs of the applicant, to be presented to the board when the applicant appears for examination, one to accompany the application, and one to be returned to the applicant. Pay to the board required fee.

§ 9. Examination.

The board shall conduct examinations of applicant for certificates of registration to practice as a registered barber, a registered beauty specialist, and a registered apprentice, not less than four times each year, at such times and places as the board may determine.

The examination of applicants for certificates of registration as registered barbers, registered beauty specialists, and registered apprentices shall include both practical demonstration and written and oral test, and shall embrace the subjects usually taught in schools of barbering and of beauty culture approved by the board.

§ 10. Issuance of the certificate.

Whenever the provisions of the act herein have been complied with, the board shall issue a certificate of registration to the applicant.

§ 11. Non-Residents.

Persons having practiced barbering and beauty culture in another state or country.

(a) A person who is at least eighteen years of age.

(c) Who is of good moral character and temperate habits; and

Who has a license or certificate of registration as a practicing barber or beautician from another state or country, which has substantially the same requirements for licensing or registering; or

Who can prove by affidavits that he or she has practiced as barber or beautician in another state or country for at least three years prior to making application in this state; shall

Upon payment of required fee, be issued a permit to practice as a journeyman barber or beautician until she or he is called by the board for examination to determine his or her fitness to receive a certificate of registration to practice barbering or beauty culture. Should he or she fail to pass the required examination he or she shall be allowed to practice as a journeyman barber or beautician until he or she is called by the board for the next term of examinations. Should he or she fail at the third examination, he or she must cease to practice barbering or beauty culture in this state.

(a) A person who is at least sixteen and one-half (16½) years of age.

(c) Who is of good moral character and temperate habits; and

(e) Has a certificate of registration as an apprentice in a state or country which has substantially the same requirements as an apprentice as is approved by this act, shall

upon payment of the required fee, be issued a permit to work as an apprentice until called by the board for examination to determine his or her fitness to receive a certificate of registration as an apprentice. Being able to pass the required examination he or she will be issued a certificate of registration as a registered apprentice, and the time spent in such State or country shall be credited upon the period of apprenticeship required by this act as a qualification to take the examination as registered barber or registered beauty specialist.

A person who has practiced as an apprentice in another State or country which does not have subtantially the same requirements for registration as an apprentice as required by this act, and who has the qualifications as required by Section 7 of this act, shall be credited with the time so spent as an apprentice in such other state or country upon period of apprenticeship required by this act as a qualification to take the examination to determine his or her fitness to receive a certificate of registration as a member of the barber or beauty culture profession.

§ 12. Present Practitioner.

Any person, resident of this State, who either for one year immediately preceding July 1, 1932, was continuously engaged in the practice of barbering or that of a beauty specialist at one or more established places of business in this State, or has, prior to July 1, 1932, graduated from a school of barbering or beauty culture, shall be granted a certificate of registration in his or her particular profession, without examination, by making application to the board on or before the first day of July, 1932, and paying the required fee of $5.00 and shall be given credit for time previously spent in such practice.

Any person who on and prior to July 1, 1932, was a student in a school of barbering or beauty culture is qualified upon graduation from such school, to take the examination for

a certificate of registration to practice as an apprentice, without regard to whether such a school complied with the standards for approval specified in section 7 of this Act.

§ 13. Display of Certificate.

Every holder of a certificate of registration shall display it in a conspicuous place adjacent to or near his or her work chair.

§ 14. Renewal and Restoration of Certificates.

Every registered barber or beauty specialist and every registered apprentice who continues in active practice or service, shall annually, on or before July of such year, renew his or her certificate of registration and pay required fee. Every certificate of registration which has not been renewed during the month of July in any year, shall expire on the 1st day of July in that year.

A registered barber or beauty specialist or a registered apprentice whose certificate of registration has expired may have his or her certificate restored immediately upon payment of the required restoration fee.

Any registered barber or registered beauty specialist who retires from practice of his or her profession for not more than five years, may renew his or her certificate of registration upon payment of the required registration fee.

§ 15. Refusal and Revocation of Certificate.

The board may either refuse to issue or renew or may suspend or revoke any certificate of registration for any one or combination of the following causes:

(a) The conviction of a felony shown by a certified copy of the court of conviction;

(b) Gross malpractice or gross incompetency:

(c) Continued practice by a person knowingly having an infection or contagious disease;

(d) Habitual drunkenness or habitual addiction to morphine, cocaine, or other habit forming drugs;

(e) The use of any room or place for barbering or beauty culture which is also used for residential or business purposes (except the sale of hair tonics, lotions, creams, culture, toilet articles, cigars, tobacco, confectionery and such commodities as are used and sold in barber or beauty shops), unless a substantial partition of ceiling height separates the portion used for residential or business purposes.

(f) The violation of any of the provisions of this Act, and the failure to enforce sanitary regulations prescribed for in section 21 of this Act.

§ 16. Hearing by the Board.

The board may neither refuse to issue, nor refuse to renew nor suspend, nor revoke any certificate or registration, however, for any of these causes unless the person accused has been given at least twenty days notice in writing of the charge against him or her and a public hearing by the board.

Upon the hearing of such proceeding the board may administer oaths and may procure by its supoenas, the attendance of witnesses and the production of relevant books and papers.

If the applicant is aggrieved by the action of the board, he or she may appeal to the Franklin Circuit Court at Frankfort, Kentucky, by filing with the clerk of said court a certified copy of the written charge or charges, as heard by the board, said board being required to make certified copy of said charge or charges on demand of applicant and when same is lodged with the clerk of said circuit court at Frankfort, Kentucky, and advance cost required paid, within ten days after

the board's finding the appeal will have been perfected and same shall be docketed and will stand for trial.

§ 17. Fees.

The fee to be paid by an applicant for an examination to determine his or her fitness to receive a certificate of registration to practice barbering or to practice as a beauty specialist, is Ten ($10) Dollars, and for the issuance of a certificate Five ($5) Dollars.

The fee to be charged an applicant for an examination to determine his or her fitness to receive a certificate of registration to practice as an apprentice is Five ($5) Dollars, and for the issuance of the certificate One ($1) Dollar.

The fee to be paid for the renewal of a certificate of registration to practice barbering or as a beauty beautician, is Three ($3) Dollars, and for the restoration of an expired certificate Five ($5) Dollars.

The fee to be charged for the renewal of a certificate of registration to practice as an apprentice is Three ($3) Dollars, and for the restoration of an expired certificate, Five ($5) Dollars.

§ 18. Penalty for Violation of Any of the Provisions of this Act or Any Rule or Regulation Promulgated by the Board.

Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed Two Hundred ($200) Dollars, and not less than Twenty-five ($25) Dollars.

§ 19. There is hereby created a Board of Barbers and Beauticians Examiners, to be known as the Kentucky State Board of Barbers and Beautician Examiners.

The governor will appoint as members of said board; one

master barber, one unorganized master barber, one journeyman barber, and one beautician.

Each member must be resident of the Commonwealth of Kentucky at the time of his or her appointment, and must also have practiced the profession for five years immediately prior to appointment.

Two members of the first board shall serve for two years from the date of his or her appointment and qualification and the other two-year members appointed shall serve for four years from the time of his or her appointment and qualification. At the expiration of the term of office of the two members appointed for two years, their successors shall be appointed for a term of four years thereafter. At the expiration of the term of office of the two members whose terms of office expire in four years, their successors shall be appointed for a term of four years thereafter. The governor will make such appointments within thirty days after this act.

Members appointed by the governor to fill vacancies shall be appointed from a list of three submitted by the one of the four heretofore mentioned organizations not represented on said board by reasons of said vacancy, and he or she shall hold office during the unexpired term of their predecessor but this provision does not preclude reappointment.

§ 20. Officers, Compensation, Etc.

The appointees to the board shall meet within ten days after their appointment and perfect an organization by electing a president and secretary and adopting reasonable rules and regulations for the transaction of business and for putting into effect the provisions of this act. It shall use and adopt a common seal for authentication of its orders and records and establish and keep an office at Frankfort or elsewhere in Kentucky.

The secretary shall keep a record of all proceedings of the board and within ten days, after the close of every meeting

of the board will deposit with the State Treasurer of Kentucky all money collected and take his receipt therefore and all money received by the secretary at any and all times shall be so deposited. The secretary of the board shall execute to the State of Kentucky a good and sufficient bond, approved by the Governor, in the sum of Ten Thousand ($10,000) Dollars, to insure the faithful performance of his or her duties.

A majority of the members of the board present in meetings legally assembled may perform and exercise all the duties and powers devolving upon the board. The secretary of the board shall receive a salary of not to exceed three thousand ($3,000) dollars per annum, and shall be reimbursed for his or her necessary traveling expenses incurred and incident to the actual discharge of his or her duty, and each member of the board shall receive as compensation for actual attendance on legally assembled meetings of the board ten ($10) dollars, for each day such member attends as shown by the record and shall be reimbursed for necessary traveling expenses to be paid only from the fund created by fees collected in the administration of this act and subject to such restrictions as is required of other officers of the Commonwealth as to traveling expenses.

The board shall have authority to employ such inspectors, clerks and assistants as it may deem necessary to carry out the provisions of this act; provided however that such employment is with the knowledge to such person or persons so employed that a pro-rata of the fees to be collected will insure such payment and not be in excess of receipts. The board shall meet quarterly at the same time and place as provided in section 9 of this act, and shall then conduct all examinations of applicants. It will conduct such other business as that is before the board to meet for any urgent purpose, a call meeting may be had on notice from the president or should president refuse call meeting of the board to meet such urgent necessity then in that event a notice from the secretary signed by any two members of the board will legally convene said board for said purpose, but no other business can be trans-

acted at such call meetings except the business specified in the notice.

§ 21. The board is authorized to make and promulgate any rule or regulation in its opinion necessary, not in conflict with law, for the purpose of effectively enforcing the provisions of this act, and when such rules or regulations is passed and published by said board, it shall be subject to enforcement the same as if incorporated in and made a part of this act and said rules and regulations shall include the prescribing of sanitary requirements for barber shops and beauty shops and barber and beauty schools.

Any member of the board, or its agents or assistants when authorized in writing by the board, shall have the authority to enter upon the premises and into any barber shop or beauty shop or barber school, or beauty culture school at any reasonable time during business hours for purpose of official inspection. A copy of such rules and regulations so promulgated by the board shall be provided the owner or manager of such shops and schools, and by such owner or manager displayed in a conspicuous place in each shop or school.

The board shall keep accurate and complete record of all its proceedings and especially its proceedings relating to the issuance, refusal, renewal, suspension and revocation of certificates of registration. Such record shall contain the name, place of business and residence of each registered barber and registered apprentice and each registered beauty specialist, and the date and number of his or her certificate of registration. This shall be a public record open to public inspection at all reasonable times.

§ 22. Partial Unconstitutionality.

If any section or part of this act on review by the courts of the State should be declared to be in conflict with the constitutions of the State, it shall not effect the validity or force

of any other section or part thereof not declared to be unconstitutional.

Senator Jacobs proposed the following amendment to said bill:

Amend House Bill No. 392 by adding after the word "established" in Section 1, line 5 on page 2 of the printed bill the following "This Act shall not apply to any barber or beautician operating in any town or city of the fifth and sixth class."

The yeas and nays being demanded by Senators Hamilton and Turner resulted as follows:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Robert Humphreys | J. M. Rose |
| W. W. Booles | Wm. Isaacs | Thos. O. Turner |
| H. M. Brock | Silas Jacobs | F. M. White |
| Edwin C. Dawson | E. C. Moore | Sewell B. Williams |
| Thos. C. Ferguson | D. C. Naive | Allie W. Young |
| Walter N. Flippin | Marion F. Pogue | Gates F. Young |

—18

Those who voted in the negative were:

| | | |
|---|---|---|
| Chas. G. Franklin | Frank I. Lloyd | O. M. Rogers |
| Perry B. Gaines | C.T.McCormick,Sr. | R. H. Royster |
| Arch Hamilton | Wm. Mehler | Dr. Lewis Ryans |
| J. S. W. Holloway | Ray B. Moss | W. A. Yates |
| Alex E. Johnson | Dr. G. W. Ragan | |

—14

Said amendment was adopted.

Senator Jacobs proposed the following amendment to said bill:

Amend House Bill No. 392 by striking therefrom the enacting clause on page 2 of the printed bill.

The question being taken thereon, was decided in the negative.

Said motion was lost.

Ordered that said bill be read the third time.

Senator Hamilton moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Alex E. Johnson | R. H. Royster |
| W. W. Booles | Frank I. Lloyd | Dr. Lewis Ryans |
| H. M. Brock | C.T.McCormick,Sr. | Joe Stewart |
| Edwin C. Dawson | Wm. Mehler | Thos. O. Turner |
| Thos. C. Ferguson | E. C. Moore | Fred C. VanHoose |
| Chas. G. Franklin | Ray B. Moss | W. A. Yates |
| Perry B. Gaines | Dr. G. W. Ragan | Allie W. Young |
| Arch Hamilton | O. M. Rogers | Gates F. Young |
| J. S. W. Holloway | | —25 |

Those who voted in the negative were:

| | | |
|---|---|---|
| Walter N. Flippin | D. C. Naive | F. M. White |
| Wm. Isaacs | Marion F. Pogue | Sewell B. Williams |
| Silas Jacobs | J. M. Rose | —8 |

Resolved that the title thereof be as aforesaid.

Senator Hamilton moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill of the following title:

S. B. 164. An Act to amend and re-enact an Act known as Chapter 81 of the Acts of 1930 entitled, "An Act to amend and re-enact an Act known as Chapter 87 of the Acts of 1922, entitled, 'An Act to amend sub-section C of Section 2, Chapter 90, page 415 of the Acts of the General Assembly of 1920, regulating fees for passenger automobiles,' " and further regulating fees for passenger automobiles.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Chapter 81 of the Acts of 1930, entitled, "An Act to amend and re-enact an act known as Chapter 87 of the Acts of 1922, entitled, 'An act to amend subsection C of Section 2, Chapter 90, page 415 of the Acts of the General Assembly of 1920, regulating fees for passenger automobiles,' " and further regulating fees for passenger automobiles be and the same is hereby amended so that same when amended and re-enacted shall read as follows:

Fees for Motorcycle—For each motorcycle registration fee shall be five dollars.

§ 2. Automobiles primarily designed for carrying passengers and having provisions for not more than seven passengers, including the operator, shall be classed as passenger automobiles, and the annual registration fee for same shall be twelve cents for each horsepower of the vehicle reg-

istered, to be calculated on the rating fixed by the Society of Automobile Engineers, plus twenty cents on each the one hundred pounds of said automobile.

§ 3. The weight of any motor vehicle shall be determined by a standard service bureau with the vehicle fully equipped, and it shall be the duty of the State Tax Commission to prepare or procure a book or pamphlet showing the horse power and weight of each make and type of car sold in this State, and furnish same to each county court clerk in the State. The weight of any automobile for which registration is applied, which is not shown in such book or pamphlet prepared by the State Tax Commission, shall be determined on a standard scale.

§ 4. The foregoing amendment shall not become effective until the second day of December, 1932.

Senator Allie W. Young moved that said bill be recommitted to the Committee on Motor Vehicles and Transportation.

The yeas and nays being demanded thereon by Senator Gates F. Young and Johnson, resulted as follows:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Wm. Isaacs | Joe Stewart |
| H. M. Brock | Silas Jacobs | Thos. O. Turner |
| Edwin C. Dawson | C.T.McCormick,Sr. | Sewell B. Williams |
| Walter N. Flippin | Ray B. Moss | W. A. Yates |
| Chas. G. Franklin | Marion F. Pogue | Allie W. Young |
| Perry B. Gaines | E. D. Stephenson | —17 |

Those who voted in the negative were:

| | | |
|---|---|---|
| W. W. Booles | L. C. Littrell | O. M. Rogers |
| Dr. T. J. Edge | Frank I. Lloyd | J. M. Rose |
| Thos. C. Ferguson | Rev. C. D. McCaw | R. H. Royster |
| Arch Hamilton | Wm. Mehler | Dr. Lewis Ryans |
| J. S. W. Holloway | E. C. Moore | Fred C. VanHoose |
| Robert Humphreys | D. C. Naive | F. M. White |
| Alex E. Johnson | Dr. G. W. Ragan | Gates F. Young |
| | | —21 |

Said motion was lost.

Senator Franklin proposed the following amendment to said bill:

Amend Senate Bill No. 164 by striking the word "twelve" from line 4, section 2 of the printed bill and substituting in lieu thereof, the word "fifteen" and by striking the word "twenty" from line 6, section 2 of said printed bill and substituting in lieu thereof, the words, "twenty-five."

The yeas and nays being demanded thereon by Senators Gates F. Young and Johnson resulted as follows:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Silas Jacobs | Joe Stewart |
| H. M. Brock | C.T.McCormick,Sr. | Thos. O. Turner |
| Edwin C. Dawson | Ray B. Moss | Sewell B. Williams |
| Walter N. Flippin | Marion F. Pogue | W. A. Yates |
| Chas. G. Franklin | E. D. Stephenson | Allie W. Young |
| Perry B. Gaines | | —16 |

Those who voted in the negative were:

| | | |
|---|---|---|
| Dr. T. J. Edge | Rev. C. D. McCaw | J. M. Rose |
| Arch Hamilton | Wm. Mehler | R. H. Royster |
| J. S. W. Holloway | E. C. Moore | Dr. Lewis Ryans |
| Robert Humphreys | D. C. Naive | Fred C. VanHoose |
| Alex E. Johnson | Dr. G. W. Ragan | F. M. White |
| L. C. Littrell | O. M. Rogers | Gates F. Young |
| Frank I. Lloyd | | —19 |

Said amendment was rejected.

Senator Franklin proposed the following amendment to said bill:

Amend Senate Bill 164 by striking the words "second day of December 1932" and substituting in lieu thereof the words "first day of December 1934."

The yeas and nays being demanded thereon by Senators Gates F. Young and Johnson resulted as follows:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Silas Jacobs | Joe Stewart |
| H. M. Brock | C.T.McCormick,Sr. | Thos. O. Turner |
| Edwin C. Dawson | Ray B. Moss | Sewell B. Williams |
| Walter N. Flippin | Marion F. Pogue | W. A. Yates |
| Chas. G. Franklin | E. D. Stephenson | Allie W. Young |
| Perry B. Gaines | | —16 |

Those who voted in the negative were:

| | | |
|---|---|---|
| W. W. Booles | L. C. Littrell | O. M. Rogers |
| Dr. T. J. Edge | Frank I. Lloyd | J. M. Rose |
| Thos. C. Ferguson | Rev. C. D. McCaw | R. H. Royster |
| Arch Hamilton | Wm. Mehler | Dr. Lewis Ryans |
| J. S. W. Holloway | E. C. Moore | Fred C. VanHoose |
| Robert Humphreys | D. C. Naive | F. M. White |
| Alex E. Johnson | Dr. G. W. Ragan | Gates F. Young |
| | | —21 |

Therefore said amendment was rejected.

Ordered that said bill be read the third time.

Senator Rose moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| W. W. Booles | L. C. Littrell | O. M. Rogers |
| Dr. T. J. Edge | Frank I. Lloyd | J. M. Rose |
| Thos. C. Ferguson | Rev. C. D. McCaw | R. H. Royster |
| Arch Hamilton | Wm. Mehler | Dr. Lewis Ryans |
| J. S. W. Holloway | E. C. Moore | Fred C. VanHoose |
| Robert Humphreys | D. C. Naive | F. M. White |
| Alex E. Johnson | Dr. G. W. Ragan | Gates F. Young |

—21

Those who voted in the negative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Wm. Isaacs | Joe Stewart |
| H. M. Brock | Silas Jacobs | Thos. O. Turner |
| Edwin C. Dawson | C.T.McCormick,Sr. | Sewell B. Williams |
| Walter N. Flippin | Ray B. Moss | W. A. Yates |
| Chas. G. Franklin | Marion F. Pogue | Allie W. Young |
| Perry B. Gaines | E. D. Stephenson | |

—17

Resolved that the title thereof be as aforesaid.

Senator Gates F. Young moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill of the following title:

S. B. 99. An Act to define, license, and regulate the business of making loans or advancements in the amount or of the value of three hundred dollars ($300) or less, secured or unsecured, to individuals pressed by lack of funds to meet immediate necessities, at a greater rate of interest, discount, consideration, or charge than six per centum (6%) per annum, prescribing the rates of interest and charges therefor and penalties for the violation thereof, regulating the assignment of wages or salaries, earned or to be earned, when given as security for any such loan or as consideration for a pay-

ment of three hundred dollars ($300) or less, providing for the administration of this act, authorizing the making of examinations and investigations and the publication of reports thereof, providing for a review of decisions and findings of the Banking Commissioner under this act, and repealing so much of Section 4224A, Carroll's Kentucky Statutes (1930) as applies to persons licensed under this Act, and limiting the application of Sections 2218 and 2219, Carroll's Kentucky Statutes (1930), and repealing all acts and parts of acts in conflict with the provisions of this act.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. The following terms, as used in this Act, shall have the meaning stated, unless the context requires a different meaning:

(a) "Person" includes individuals, partnerships, associations, and corporations,

(b) "Licensee" means a person licensed under this Act.

(c) "Commissioner" means the "Banking Commissioner of the Commonwealth of Kentucky.

§ 2. No person shall, except as authorized in this Act and without first obtaining a license from the Banking Commissioner as hereinafter provided, engage in the Commonwealth of Kentucky in the business of making loans in the amount or of the value of three hundred dollars ($300) or less and charge, contract for, or receive, directly or indirectly, or by any device, subterfuge, or pretense whatsoever a greater rate of interest, discount, or consideration therefor than six per cent (6%) per annum.

§ 3. (a) Each application for a license under this Act shall be made in writing, under oath or affirmation, to the

Commissioner in such form as he may prescribe. Such application shall contain (1) in the case of an individual, his name and the address of his residence and place of business; (2) in the case of a partnership or association, the name and address of every member thereof and the address of the place where such business is to be conducted; (3) in the case of a corporation, the names and addresses of the officers and directors thereof and the address of the place where such business is to be conducted; and (4) such additional information as the Commissioner may prescribe.

(b) Each applicant shall also prove, in form satisfactory to the Commissioner, that said applicant has a net worth of at least ten thousand dollars ($10,000) and has available for the purpose of making loans under this Act at the location specified in the application, liquid assets of at least ten thousand dollars ($10,000).

(c) Each applicant at the time of making such application shall pay to the Commissioner the sum of fifty dollars ($50) as a fee for investigating the application and the additional sum of two hundred and fifty dollars ($250) as an annual license fee for the period terminating on the last day of the current calendar year; provided, that if the application is filed after June thirtieth in the year such payment shall be one hundred and twenty-five dollars ($125) as such license fee in addition to the said fee for investigation.

In addition to the said annual license fee every licensee hereunder shall pay to the Commissioner the fees for each examination of his business as provided in Section 10 (a) of this Act; and such applicant shall also file with his application a bond running to the Commonwealth of Kentucky in which the applicant shall be the obligor, in the sum of one thousand dollars ($1,000) with two or more sufficient sureties, whose liability as such sureties shall not exceed the said sum in the aggregate. Such bond shall be approved by the Commissioner and conditioned upon the compliance by the applicant with all the provisions of this Act and all rules and

regulations lawfully made pursuant thereto. Any person injured by the non-compliance with any such provision, rule, or regulation by any licensee under this Act may maintain a suit in his own name in any court of competent jurisdiction and recover on the bond such damages as shall be adjudged by such court, together with costs of such suit. Recovery upon any such bond shall not preclude recovery against such licensee for any liability in excess of the amount recovered upon the bond, and such recovery shall not be held to extinguish any remedy under other law.

(d) The bond or bonds which the licensee is required to file hereunder shall be renewed and refiled annually at the time of making payment of the annual license fee. If the Commissioner shall find that any such bond has for any reason become insecure or exhausted, a like bond to be approved by the Commissioner in the sum of not more than one thousand ($1,000) shall be filed by the licensee within ten days after written demand therefor by the Commissioner.

§ 4. (a) If the Commissioner approves the bond filed by the applicant and the form of the application, and finds after investigation (1) that the financial responsibility, experience, character, and general fitness of such applicant, and of the members thereof if the applicant is a partnership or association, and of the officers and directors thereof if the applicant is a corporation, are such as to command the confidence of the community and to warrant the belief that the business of the applicant will be operated honestly, fairly, and efficiently in accordance with the purposes of this Act; (2) that permitting such applicant to engage in such business will promote the convenience and advantage of the community, and (3) that the applicant has a net worth of at least ten thousand dollars ($10,000) and has available for the purpose of making loans under this Act at the specified location liquid assets of at least ten thousand dollars ($10,000), the Commissioner shall issue to the applicant a license to make loans in accordance with the provisions of this Act at the location specified in said application. If the Commissioner does not so find, he shall not issue such license and he shall notify the

applicant of the denial and return to the applicant the bond and the sum paid by the applicant as a license fee, retaining the fifty dollars ($50) investigation fee to cover the cost of investigating the application. The Commissioner shall approve or deny every application for license hereunder within sixty days from the filing thereof with the said fees and the said approved bond.

(b) Every license issued shall state the address of the office at which the business is to be conducted, the name of the licensee, and if the licensee is a partnership or association, the names of the members thereof, and if a corporation, the date and place of its incorporation. Such license shall be kept conspicuously posted in the office of the licensee and shall not be transferable or assignable. Not more than one place of business shall be maintained under the same license but the Commissioner may issue more than one license to the same licensee upon compliance for each such license with all the provisions of this Act applicable to the original issuance of licenses. Whenever a licensee shall desire to change his place of business to another location within the same municipality the Commissioner, on application, if he finds that the interests of the community will be served thereby, shall indorse on the license a transfer to the new place of business, with the date of transfer, which indorsement shall be authority for the operation of such business under such license at such new location. No change in the place of business of a licensee to a location outside of the original municipality shall be permitted under the same license.

(c) No licensee shall conduct the business authorized by this Act in any office, room, or place of business in which any other business is solicited or engaged in, or in association or conjunction therewith, except upon a written authorization from the Commissioner. No such authorization shall be granted unless the Commissioner finds that the soliciting of or engaging in such other business, in the same office, room, or place of business in which the business of making loans under this Act is conducted will not facilitate evasions of this Act. No licensee shall make any loan under this Act under

any other name or at any other place of business than that stated in the license.

(d) Each license shall remain in full force and effect until it is surrendered by the licensee or suspended or revoked as hereinafter provided. Each licensee shall, on or befor the twentieth day of each December, pay to the Commissioner the annual license fee for the next succeeding calendar year.

(e) The Commissioner shall, upon ten days' written notice to the licensee stating that he contemplates the revocation of his license and, in general, the grounds therefor revoke such license, after reasonable opportunity has been afforded to the licensee to be heard, if the Commissioner finds (1) that the licensee has failed to pay the annual license fee or to maintain in effect the bond or bonds required under this Act, or (2) that the licensee has violated any provision of this Act or has failed to comply with any rule or regulation lawfully made pursuant thereto, or (3) that any fact or condition then exists which clearly would warrant the Commissioner in refusing to issue a license on an original application. The Commissioner may, without notice or hearing, suspend any license for a period not exceeding thirty days, pending investigation. The Commissioner shall have authority to reinstate suspended licenses or to issue new licenses to a licensee whose license or licenses shall have been revoked if no fact or condition then exists which clearly would have warranted the Commissioner in refusing originally to issue such license under this Act. Any licensee may surrender any license by delivering to the Commissioner written notice that he thereby surrenders such license.

(f) Whenever the Commissioner shall refuse or deny any application for a license under the provisions of this Act or shall revoke any license issued pursuant to this Act, he shall forthwith file in the office of the Banking Commissioner of Kentucky a written order to that effect and stating his findings with respect thereto and his reasons supporting the denial or refusal or the revocation and shall forthwith serve upon the applicant for license or licensee a copy thereof and

said applicant for license or licensee shall be entitled to appeal from said order to the Circuit Court of Franklin County, provided said appeal is filed within thirty days after the service of a copy of said order, and to the Court of Appeals of Kentucky from any decision of said Franklin County Circuit Court.

§5. No licensee shall advertise, print, display, publish, distribute, or broadcast, or permit to be advertised, printed, displayed, published, distributed, or broadcast, any statement or representation which refers to the supervision by the Commonwealth of Kentucky of the business licensed hereunder. Nor shall any licensee or any other person knowingly in any such manner make or permit to be made any statement or representation with regard to the rates, terms, or conditions for making loans in the sum of three hundred dollars ($300) or less, which is false, misleading, or deceptive.

§6. (a) (1) Every licensee hereunder may loan any sum of money not exceeding three hundred dollars ($300) in amount to individuals pressed by lack of funds to meet immediate necessities and may charge, contract for, and receive thereon interest at a rate not exceeding three and one-half per centum (3½%) per month.

(2) No amount whatsoever shall be paid, deducted, or received in advance. Interest shall not be compounded and shall be computed only on unpaid principal balances. In addition to the interest herein provided for no further or other charge or amount whatsoever for any examination, service, brokerage, commission, expense, fee, or bonus or other things or otherwise shall be directly or indirectly charged, contracted for, or received.

(3) No person who is a licensee under this Act shall permit any one borrower or any husband or wife individually or jointly to become indebted to him under more than one contract or loan transaction at the same time if the amount loaned to and receivable by the debtor on any one of such contracts or transactions is in the amount or of the value of three hun-

dred dollars ($300) or less and there is charged, contracted for, or received thereon, directly or indirectly, by any device, subterfuge, or pretense whatsoever, any interest, or consideration therefor greater than six per centum (6%) per annum.

(b) If any interest, consideration, or amount in excess of the interest authorized by this section is charged, contracted for, or received by any licensee under any contract of loan or loan transaction, such contract or transaction shall be void and the licensee shall have no right to collect or receive any principal, interest, or charges whatsoever.

(c) Every licensee shall:

(1) Deliver to the borrower at the time of making a loan under this Act a statement in English containing a copy of the provisions of subdivisions (a) and (b) of this section and showing in clear and distinct terms the amount and date of the loan and the date of its maturity, the nature of the security, if any, for the loan, the name and address of the borrower and of the licensee, and the agreed rate of interest on such loan;

(2) Give to the borrower a plain and complete receipt for each payment made on account of any such loan at the time such payment is made, specifying the amount applied to interest and the amount, if any, applied to principal, and stating the amount of the unpaid principal balance of the loan;

(3) Upon the repayment of the loan in full, mark indelibly with the word "Paid" or "Cancelled" every obligation and security signed by the borrower and release any mortgage, restore any pledge, and cancel and return every note and assignment given to the licensee by the borrower.

(d) The borrower may pay all or any part of any loan at any time before the date of maturity thereof, but any such payment may first be applied by the licensee to all interest unpaid up to the date of such payment.

(e) No licensee shall take any confession of judgment or any power of attorney. Nor shall any licensee take any note, promise to pay, or security that does not accurately disclose the actual amount of the loan, the time for which it is made, and the agreed rate of interest; nor take any instrument in which blanks are left which are to be filled in after the execution of such instrument. No instrument taken under authority of this Act shall be negotiable.

(f) Every licensee shall have at all times a net worth of at least ten thousand dollars ($10,000) and shall maintain at all times assets of at least ten thousand dollars ($10,000) either in liquid form available for or actually used in the making of loans under this Act at the location specified in the license.

(g) No licensee shall take any lien upon real estate as security for any loan under this Act, except such lien as may be obtained by virtue of a judgment or decree.

§ 7. (a) No person, except as authorized by this Act, shall, directly or indirectly, by any device, subterfuge, or pretense whatsoever charge, contract for, or receive, or participate, as agent, broker, or in any other capacity, in charging, contracting for, or receiving, any interest, discount, or consideration greater than six per centum (6%) per annum upon any loan in the amount or of the value of three hunderd dollars ($300) or less, and no loan made in violation of the provisions of this Act shall be valid or enforceable within this Commonwealth.

(b) Any loan in the amount or of the value of three hundred dollars ($300) or less for which there has been charged, contracted for, or received a greater rate of interest, or consideration than licensees are permitted to charge, contract for, or receive under this Act is hereby declared to be against the public policy of the Commonwealth. No such loan made outside the Commonwealth shall be enforced in the Commonwealth and every person in anywise participating therein

the Commonwealth shall be subject to the provision of this Act; except that the provisions of this subdivision shall not apply to loans legally made in any State in which there was in force at the time of making such loan a small loan law the regulatory provisions of which are similar in principle to those contained in this Act.

§ 8. No licensee shall, directly or indirectly, charge, contract for, or receive any interest, or consideration greater than six per centum (6%) per annum upon any loan in the amount or of the value of more than three hundred dollars ($300), or in any case in which the licensee permits any individual as borrower or as indorser, guarantor, or surety for any borrower, or otherwise, to owe directly or contingently, or both, to the licensee at any time the sum of more than three hundred dollars ($300) for principal.

§ 9. The payment of three hundred dollars ($300) or less in money, credit, goods, or things in action, as consideration for any sale, assignment, or order for the payment of wages, salary, commissions, or other compensation for services, whether earned or to be earned, shall for the purposes of this Act be deemed a loan secured by such assignment, and the amount by which such assigned compensation exceeds the amount of such consideration actually paid shall be deemed interest or charges upon such loan from the date of such payment to the date such compensation is payable. Such transaction shall be governed by and subject to the provisions of this Act.

§ 10. (a) The provisions of this Act shall be enforced by the Commissioner, who is authorized to make such rules and regulations, in addition hereto and not inconsistent herewith, as may be necessary for the proper conduct of the business licensed hereunder and for the enforcement of this Act. The Commissioner shall make an annual examination of the affairs, business, office, and records of every licensee, and such further examinations or investigations as he shall deem necessary for the purpose of discovering violations of this

Act or of securing information necessary for its proper enforcement. For every examination made under this Act the Commissioner shall charge the same fees as are allowed by statute for the examination of banks. For the purpose of making such examinations or investigations the Commissioner and his duly designated representatives shall have authority to require the attendance of and to examine under oath all persons whomsoever, whose testimony he may require, relative to the loans or business of any such licensee, and shall have free access to the accounts, papers, records, files, safes, vaults, offices, and places of business used in connection with any business conducted under any license issued in accordance with this Act.

(b) All moneys collected by the Commissioner under the provisions of this Act for license fees and examinations or otherwise shall be paid as collected into the State Treasury and then credited to an account of the Banking Department.

(c) Each licensee shall annually on or before the fifteenth day of March file with the Commissioner a report giving such information as the Commissioner may require relevant to the business and operations during the preceding calendar year of each licensed place of business conducted by such licensee in the Commonwealth. Such report shall be made under oath and in the form prescribed by the Commissioner. The Commissioner shall make and publish annually an analysis and recapitulation of such reports.

(d) Each licensee shall keep and use in his business and shall preserve for at least two years after making the final entry on any loan recorded therein, such books, accounts, records, or card systems as will enable the Commissioner to determine whether such licensee is complying with the provisions of this Act and with the rules and regulations made pursuant thereto.

§ 11. Any individual or any member, officer, director,

agent or employee of any association, partnership, or corporation, who shall violate or participate in the violation of any of the provisions of section 2, 4 (c), 5, 6 (a), 6 (c), 6 (d), 6 (e), 6 (g), 7, 10 (c), or 10 (d) of this Act, shall, upon conviction thereof, be punished by a fine of not more than three hundred dollars ($300) or by imprisonment for not more than six months, or both.

Any contract of loan not invalid for any other reason, in making or collection of which any act shall have been done which constitutes a misdemeanor under this section, shall be void and the lender shall have no right to collect or receive any principal, interest or charges whatsoever.

§ 12. This Act shall not apply to any person, partnership, association, or corporation doing business under and as permitted by any law of this Commonwealth or of the United States relating to banks, savings banks, trust companies, trust banking and title insurance companies, building and loan associations, co-operative market associations, credit unions, or licensed pawnbrokers.

§ 13. (a) So much of Section 4224A, Carroll's Kentucky Statutes (1930) as applies to persons licensed under this Act is hereby repealed. This Act shall not be construed as repealing or amending section 2218 or section 2219, Carroll's Kentucky Statutes (1930) but said sections shall not apply to loans made under authority of this Act.

(b) All other Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

§ 14. No assignment of or order for payment of any salary, wages, commissions, or other compensation for services, earned or to be earned, when taken as security for any loan made under this Act, shall be valid unless the amount of such loan is paid to the borrower simultaneously with its execution. Under any assignment of or order for the payment of future salary, wages, commissions, or other compensation

for services given as security for a loan made under this Act, there shall not at any time be collectible from the employer of the borrower more than a sum equal to 10% of the amount then owing to borrower for any such salary, wages, commissions or other compensation for services.

§ 15. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

§ 16. This act shall take effect from and after its passage, approval, and publication.

Senator Ryans proposed the following amendment to said bill:

Amend Senate Bill No. 99, printed bill, in line 5 by striking the words "three and one-half per centum," and the figures "3½%," and adding in lieu thereof the words "three per centum" and figure "3%."

Senator Allie W. Young moved that said amendment be laid on the table.

The yeas and nays being demanded thereon, by Senators Rogers and Ryans resulted as follows:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| H. M. Brock | C.T.McCormick,Sr. | Thos. O. Turner |
| Edwin C. Dawson | Ray B. Moss | Fred C. VanHoose |
| Thos. C. Ferguson | Marion F. Pogue | F. M. White |
| Wm. Isaacs | Dr. G. W. Ragan | Sewell B. Williams |
| Silas Jacobs | R. H. Royster | W. A. Yates |
| Alex E. Johnson | E. D. Stephenson | Allie W. Young |
| L. C. Littrell | Joe Stewart | Gates F. Young |

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Those who voted in the negative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Arch Hamilton | E. C. Moore |
| W. W. Booles | J. S. W. Holloway | D. C. Naive |
| Dr. T. J. Edge | Robert Humphreys | O. M. Rogers |
| Walter N. Flippin | Frank I. Lloyd | J. M. Rose |
| Chas. G. Franklin | Rev. C. D. McCaw | Dr. Lewis Ryans |
| Perry B. Gaines | Wm. Mehler | —17 |

Therefore, said amendment and bill were laid on the table.

The Senate took up for consideration from the Orders of the Day a bill of the following title:

S. B. 424. An Act entitled An Act to authorize receivers and liquidating agents of closed and insolvent banks to borrow money and to secure same pledge the assets of such bank or banks for the purpose of making distribution to depositors, or to re-organize or re-open such bank or banks.

Senator Gates F. Young proposed the following amendment thereto by the way of a substitute therefor to said bill:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Whereas, the Congress of the United States has enacted a law approved January 22, 1932, entitled An Act "to provide emergency financing facilities for financial institutions, to aid in financing agriculture, commerce and industry, and for other purposes"; and

Whereas, a body corporate has been organized under the name of "Reconstruction Finance Corporation", and a question has been raised as to the statutory authority and corporate powers of financial institutions organized under the laws of the State of Kentucky, to avail themselves of the credit facilities afforded by such "Reconstruction Finance Corporation."

§ 1. Banks, combined banks and trust companies, savings banks and trust companies, building and loan associations, insurance companies including life, fire, guaranty, surety, real estate title or indemnity companies, and whether "mutual" or "stock" companies, real estate mortgage loan companies, credit unions, agricultural credit corporations and live stock credit corporations, organized and existing under the laws of Kentucky shall, when authorized by a resolution adopted by its board of directors or by the certificate of the receiver, assignee or liquidating or reorganization committee of any such institution when in the hands of any State department or acting authority, by such representative, have the power to make and execute any required application for a loan, furnish financial statements, submit to examination, and to pledge, sell, assign or transfer in due form of law any assets owned or held by such corporation and to receive therefor or thereon loans in aid of any such institution, corporation or association, whether it be a going concern or closed or in process of liquidation, to aid in its carrying on or in its reorganization or liquidation, and such companies and any receiver or liquidating agent, reorganization committee or acting authority thereof is hereby authorized to contract for such loans and to pledge any of the assets of such financial institution for the purpose of securing such loan.

§ 2. If the authorized limit of indebtedness as prescribed in the articles of incorporation of any such financial institution would be exceeded by such loan or any other loan, and there be an emergency not permitting of an ordinary amendment to such articles of incorporation within the time now prescribed by law, then and in such case two-thirds of the board of directors of such corporation may adopt an amendment to the charter in such respect, provided notice thereof be mailed to the last known address of each stockholder of record not less than five days before any loan in excess of the authorized limit of indebtedness is made; and provided further, that if the holders of 25% in amount of the stock of such corporation shall within said period request a meeting of the stockholders to reconsider such amendment, then a meeting of the stockholders shall be called by sending a notice by mail to the

last known address of the stockholders of record to convene at a time and place specified in such notice and not less than five days nor more than twentydays from the date of the mailing of such notice, and such proposed amendment of charter, shall be determined at such meeting as is now provided by law.

§ 3. All laws and parts of laws in conflict herewith are hereby repealed.

§ 4. Should any court, declare any section, clause or words of this Act to be unconstitutional, then such decision shall affect only the section, clause or words so declared to be unconstitutional, and shall not affect any other section or clause of this Act, it being hereby declared to be the purpose of the Legislative Branch of this State to enact this law and each section and clause thereof independently.

§ 5. Because of the stress now existing in business generally, and for the purpose of affording to the financial corporations organized under the laws of this State the benefits of the Act of Congress creating the Reconstruction Finance Corporation, an emergency is hereby declared to exist, and this Act shall become effective upon its passage and approval.

Senator Gates F. Young moved that said bill be recommitted to the Committee on Rules.

Said motion was agreed to.

Senator Gates F. Young moved that the substitute to S. B. 424 be printed.

Said motion was agreed to.

The following resolutions were taken up from the Clerk's desk:

H. Res. No. 58. Resolution commending the American Friends Service Committee of Philadelphia.

Senator Brock moved that said resolution be adopted.

The question being taken thereon, was decided in the affirmative.

Said resolution was adopted.

H. Res. No. 55. A resolution requesting Congress to enact a National Cooperative Law relating to the production, sale, manufacture and distribution of tobacco.

Senator Jacobs moved that said resolution be adopted.

The question being taken thereon, was decided in the affirmative.

Said resolution was adopted.

H. Res. No. 61. Resolution memorializing the President of the United States and heads of departments to hasten the work to relieve unemployment.

Senator Stephenson moved that said resolution be adopted.

The question being taken thereon, was decided in the affirmative.

Said resolution was adopted.

Senator Allie W. Young moved that the Senate recess until 8 o'clock P. M.

Said motion was agreed to.

The Senate reconvened at 8 o'clock P. M.

Bills of the following titles were introduced, referred and ordered printed, as follows, viz.:

By Senator Franklin.

S. B. 459. An Act to repeal Sections 2007k-1 to and including Section 2007k-10, Carroll's Kentucky Statutes, 1930 Edition, relating to the Kentucky Geological Survey, and enacting in lieu thereof a new Act creating the Bureau of Mineral and Topographical Survey; defining its rights, powers and duties; transferring the property of the Kentucky Geological Survey to said Bureau, providing for the removal of said property; and repealing all laws or parts of laws in conflict herewith.

To Committee on Rules.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Sections 2007k-1, 2007k-2, 2007k-3, 2007k-4, 2007k-5, 2007k-6, 2007k-7, 2007k-8, 2007k-9, 2007k-10, Carroll's Kentucky Statutes, 1930 Edition, relating to the Kentucky Geological Survey be and the same are hereby repealed.

§ 2. That the Bureau of Mineral and Topographical Survey of Kentucky is hereby created and established with a single executive officer, who shall be designated as the Director and State Geologist; that the offices of said Bureau shall be at the University of Kentucky, Lexington, Kentucky; that the geological collections, records, maps, reports and accumulated property of the former Kentucky Geological Surveys and the collections of the State Museum shall be maintained at the offices set aside for the Bureau at the University of Kentucky, in Lexington, Kentucky.

§ 3. The Director and State Geologist shall be the Professor of Geology at the University of Kentucky and shall receive no salary or other compensation for the services he may render in carrying out the provisions of this Act, except he

shall be paid fifteen dollars ($15.00) per day during July and August of each year. He and his assistants shall be paid their necessary traveling expenses when on official business for the Bureau of Mineral and Topographical Survey.

That while holding such position, the said Director shall not act as agent nor geologist for any person, corporation or association engaged in the business of developing the mineral resources of this State, nor shall he be financially interested in such business, nor shall any one connected with the Bureau so act or be interested.

§ 4. The Director shall supervise, outline and edit the work of his assistants and undertake such geological field work as his time will permit and perform such other duties as may properly pertain to his position. He shall have the supervision of the work of the geological survey.

He shall make a report biennially to the Governor on January 1st, at the convening of the General Assembly of the Commonwealth of Kentucky, showing the activities accomplished by the Bureau of Mineral and Topographical Survey.

Under the direction and control of the Director the corps of the Survey shall proceed to make careful geological, mineralogical, chemical, physical soil, and economic surveys of the State; enter upon record an accurate statement of the extent of water power and water courses, to locate coal, oil, metalliferous deposits, clays, ores, building stones, etc., to report characteristics and compositions of soils and minerals; to collect, analyze, classify and label specimen of rocks, fossils, ores, coals, oils, gases, minerals, soils and other natural resources of the State; to cause specimen of the above to be correctly labeled and preserved in the museum of the University of Kentucky, at Lexington, Kentucky.

The Director shall be the curator of the mineralogical and other collections of the Bureau of Mineral and Topographical Survey, in the custody of the University of Kentucky. As

such curator of said museum, he shall arrange for the proper presentation and display of such mineralogical collections to the general public.

§ 5. The Director is authorized to employ competent assistants to carry out the purposes of this Act and such stenographic and clerical assistance as is needed.

All traveling and field expenses of the Director and his assistants, and all salaries and other expenses of said Bureau shall be itemized each month and shall be approved by the Board of Trustees of the University of Kentucky, in writing, before the Auditor of Public Accounts shall be authorized to draw a warrant or warrants in payment thereof.

§ 6. The Director of the Bureau of Mineral and Topographical Survey may enter into cooperative arrangements for geological, topographical, soil and such other surveys as are properly within the scope of the Bureau herein created, with the State Experiment Station, United States Geological Survey, the United States Department of Agriculture, and other organizations of Governmental Departments, provided that in each case agreed upon the organization or department shall furnish an amount of money equal to that allotted for such work by this Bureau; and provided further that such cooperative agreements shall be made and carried out so that in all things they will prove advantageous to the State of Kentucky. No cooperative agreement shall be made or entered into until approved by the Governor.

In the event it should at any time prove that such cooperative work is not being conducted to the best advantage to the State of Kentucky, the Director is hereby authorized to withdraw from such cooperation when so advised by the Governor.

§ 7. It shall be the duty of the Commissioner of Public Printing to supply the Bureau herein created all necessary stationery, accessory printing, blank forms, maps, etc., in the

same manner as State offices are supplied, upon the signed requisition of the Director.

The geological and other reports of the Bureau shall be reviewed, edited and approved for printing by the Director and paid for out of the funds of the Bureau. All printing caused to be done by the Bureau shall be paid for out of such funds as may be appropriated for the use of the Bureau. All monies received for such maps and reports, together with any other monies earned or received by said Bureau shall be paid into the State Treasury and credited to the general funds of the Bureau. Such Bulletins, reports and maps prepared by said Bureau shall be sold at a nominal charge of the approximate cost thereof to the State, plus postage, the price thereof to be determined by the Director, provided single copies shall be furnished to State executive and administrative officers when called for, free of cost.

§ 8. That for the purpose of carrying into effect this Act there is hereby appropriated such a sum annually as may be set apart in any budget law enacted or hereafter enacted by the General Assembly of the Commonwealth of Kentucky and approved by the Governor.

All funds heretofore appropriated or on hand to the credit of the former Kentucky Geological Surveys, unexpended, shall be and are hereby transferred to the Bureau of Mineral and Topographical Survey. The State Treasurer is directed to make such transfer upon the enactment of this Act by the General Assembly of the Commonwealth of Kentucky and its approval by the Governor.

§ 9. That all maps, reports and property of every nature and kind now in possession of the former Geological Surveys at Frankfort, Kentucky, are hereby transferred and assigned to the Bureau of Mineral and Topographical Survey at the University of Kentucky at Lexington, Kentucky, and said Bureau is hereby directed to move and transfer such property to the University of Kentucky at Lexington, Kentucky, as soon

as this Act is approved by the Governor. The Commonwealth of Kentucky shall pay from its general fund the necessary expense for such transfer upon proper bills approved by the Board of Trustees of the University of Kentucky being presented to the Auditor of Public Accounts.

§ 10. It is the intention of the General Assembly of the Commonwealth of Kentucky to create a new Department or Bureau hereby, to be known as the Bureau of Mineral and Topographical Survey and to transfer to said Bureau all funds, property, rights, duties, and powers of the former Kentucky Geological Surveys and to abolish the Kentucky Geological Survey.

§ 11. Whereas, it is to the best interests of the Commonwealth of Kentucky that the former Kentucky Geological Surveys be abolished and the Bureau of Mineral and Topographical Surveys be created and become operative at once and by so doing a large sum of money will be saved, an emergency is declared to exist and this Act shall become a law and be effective upon its passage by the General Assembly of the Commonwealth of Kentucky and approval by the Governor.

§ 12. All laws or parts of laws in conflict herewith are hereby repealed.

By Senator Franklin.

S. B. 460. An Act to amend and re-enact Section 1549-1, Article 12, Carroll's Kentucky Statutes, 1930 Edition, by adding after the words "United States Senators" at the end of said Section the words "and members of the House of Representatives of the National Congress," so that when said Section is amended and re-enacted it shall read as follows:

To Committee on Rules.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the governing authority of any political party in this State having a constituted authority by its government and regulation, and which at the last preceding election at which presidential electors were voted for cast at least twenty (20) per cent of the total vote cast at said election in this State, shall have the power to prescribe the manner and method of nominating its candidates for the offices of Governor, Lieut. Governor, Secretary of State, Attorney General, Auditor of Public Accounts, State Treasurer, Commissioner of Agriculture, Labor and Statistics, Supt. of Public Instruction, Clerk of Court of Appeals, United States Senators and members of House of Representatives of the National Congress.

By Senator Franklin.

S. B. 461. An Act creating the Kentucky World's Fair Commission, (1933) defining its powers and duties, and making an appropriation therefor, for the purpose of participating in A Century of Progress, an International Exposition to be held at Chicago, Illinois, beginning June 1, 1933 and ending November 1, 1933.

To Committee on Rules.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. There is hereby created a Commission to be known as the Kentucky World's Fair Commission, (1933) which shall consist of nine members, to be appointed by the Governor, who shall be the ex-officio chairman of said Commission. The Governor shall have the power to fill any vacancy that may occur from any cause whatever. Said Commission is hereby

created for the purpose of leasing suitable space in the States' Building and/or Agricultural Buildings, at the Century of Progress Exposition to be held in the city of Chicago, Illinois, beginning June 1, 1933, and ending November 1, 1933, and of assembling, installing and maintaining exhibits of the products and resources of this Commonwealth at said exposition, and of selecting locations and letting contracts for leasing of such space as may be necessary in which to house and exhibit such products and resources, and for such other purposes as it may deem necessary. Said Commission shall have such other and additional powers as may be necessary to carry out the provisions of this act, including the disposition of said products, resources and exhibits as it deems advisable at the close of said Exposition.

The Department of Agriculture, State Highway Commission, the Kentucky Progress Commission, the Department of Mines and other appropriate State Departments shall perform such duties in carrying out the provisions of this act as the Commission may request.

§ 2. No member of said Commission shall receive any compensation, directly or indirectly, for his services, but shall be entitled to and allowed his actual necessary expenses incurred in the performance of his duties in connection with the functioning of said Commission, said expenses to be paid in the manner hereinafter provided. The said Kentucky World's Fair Commission shall have the power to employ such persons as in its opinion are necessary to carry out the provisions of this act, and upon such terms and salaries as it shall deem fair and reasonable.

§ 3. To carry out the provisions of this act there is hereby appropriated from the State Treasury the sum of fifty thousand ($50,000.00) dollars, or so much thereof as may be necessary to carry out the provisions and purposes of this act to be paid out on warrants of the Auditor of the Commonwealth from time to time for such portions thereof and in favor of such persons as the said Commission shall designate.

Senator Ferguson proposed a resolution of the following title:

S. Res. No. 42. A resolution providing for the payment of money to G. W. Lawrence and J. V. Carder for extra services in caring for the elevators in the State Capitol Building during the present session of the General Assembly.

To Committee on Rules.

Said resolution reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That said employes mentioned in the preamble are each hereby allowed the sum of $1.00 per day for each day of the present session of the General Assembly, which allowance shall be in addition to what they now receive for the services. The same to be paid out of any funds in the Treasury not otherwise appropriated by the warrants of the Auditor.

## COMMITTEE REPORTS

Senator Ferguson of the Committee on Military Affairs, to which had been referred a bill of the following title:

H. B. 649. An Act repealing and re-enacting Chapter 107 of the Acts of the General Assembly of the Commonwealth of Kentucky, enacted at the 1926 session, same being Sections 165-1 to 165-8, inclusive, of Baldwin's 1930 Supplement to the Kentucky Statutes, Carroll's 1922 Edition, and also repealing and re-enacting Chapter 11 of the Acts of the General Assembly of the Commonwealth of Kentucky of 1930, same being Sections 165-9 to 165-24, inclusive, Baldwin's 1931 Kentucky Statute Service, Carroll's Kentucky Statutes. Said Acts hereby repealed relate to the creation of an Air Board for Kentucky; provide the number, qualifications, terms, power and other matters relating to said Board; provide for the Creation of airports, buildings and facilities; provide for the

licensing and registration of air men and aircrafts; authorizing the members of said Board to employ the necessary personnel, and to empower the Air Board of Kentucky to enforce laws relating to aviation.

Reported with expression of opinion that same ought to pass.

## CALENDAR

Senator Gates F. Young moved that the second reading of bills and resolutions at length be dispensed with and that they be read by their titles only.

Said motion was agreed to by a majority of the members elected.

It was ordered that the bills and resolutions be read by their titles only, and placed in Orders of Day.

Said titles to bills are as follows:

S. B. 378. An Act relating to revenue and taxation and providing for the assessment and equalizing of real and personal property; prescribing the duties of the County tax Commissioners and the State Tax Commission relating thereto: Fixing and providing for the compensation and payment of the County Tax Commissioners, and amending Section 4052, 4042a-8, 4076a-2, 4120, 4121, Carroll's Kentucky Statutes, 1930 Edition, and repealing Section 4121-1 and 4070, Carroll's Kentucky Statutes, 1930 Edition.

H. B. 407. An Act to add to the primary system of roads, a road from Manchester Pike near Johnston School House to Burning Springs, by Langnau Post Office and Crawford Post Office, in Laurel County.

S. B. 413. An Act relating to roads and highways and describing and fixing the project to be added to the primary system of roads and Highways.

S. B. 422. An Act to establish a new primary Road Project to be known as Project No. —, beginning at a point about two and one-half miles North of Balltown, Nelson County, on Federal Highway 31E to a point on State Highway No. 49.

S. B. 425. An Act establishing and making a road beginning and intersecting with the Jackson-Hindman Road at the mouth of Spring Fork on Quicksand Creek in Breathitt County, Kentucky, and running up Spring Fork of Quicksand Creek and connecting with the Salyersville-Hindman Road.

S. B. 426. An Act creating and establishing as part of the State primary system of public roads, a road leading from Athol, Breathitt County, Kentucky: running up the Middle Fork of the Kentucky River via the mouth of Jetts Creek; The mouth of Puncheon Camp Creek to mouth of Turkey Creek; crossing Steele Bridge and up Turkey Creek intersecting with present survey to Booneville, Owsley County, Kentucky.

S. B. 428. An Act establishing and making a road leading from Athol to Jackson, beginning and intersecting with the road from Athol to Jackson at Highland College in Breathitt County, Kentucky, and down Puncheon Camp Creek and intersecting with the river Road leading from Athol to Turkey Creek.

S. B. 436. An Act to add to the primary system of public highways a road leading from Corinth School house, at intersection of Franklin-Adairville road, thence to pleasant Run Church, to Hickman Mill Pond, thence with Keysburg-Franklin road to Schochok, thence to Ruge Smith's Store, thence to Bridge at Old Ewing Farm, thence to Franklin-Adairville road at A. B. Roberts' farm, thence to Dixie Highway at Adairville.

S. B. 437. An Act to amend and re-enact Chapter 455 of the Acts of the General Assembly of 1928, establishing and creating a road from Jackson, Breathitt County, Kentucky, to

Booneville, Owsley County, Kentucky, and making it a part of the State system of primary roads.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 329. An Act to repeal and re-enact Section 1845 of Kentucky Statutes, Carroll's 1930 Edition, relating to compensation of members of Fiscal Courts.

Senator Edge moved that said bill be recommitted to the Committee on Rules.

The question being taken thereon, was decided in the affirmative.

Said bill was recommitted.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. B. 361. An Act to repeal and re-enact Section 6 of "An Act to repeal and re-enact an Act entitled: 'An Act granting pensions to indigent and disabled Confederate soldiers and their widows' which became a law February 28th, 1928" and which Act repealing and re-enacting it was Chapter 150, Acts of 1928, page 521, and said Section 6 of the 1928 re-enacted Act is now Section 415b-6 of the present 1930 Edition of Carroll's Kentucky Statutes.

The Committee on Veteran's Legislature proposed the following amendment:

Amend Senate Bill No. 361 by striking out in line 11 on page 2 of printed bill the figures 1890 and substituting therefor the figures 1900.

Senator Humphreys moved that the amendment be adopted.

The question being taken thereon, was decided in the affirmative.

Said amendment was adopted.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Section 1 of Chapter 150, Acts of 1928, page 521, now section 415b-6 of the 1930 Edition of Kentucky Statutes be amended and re-enacted so that when so re-enacted it will read as follows: That any Confederate veteran who has been an actual bona fide resident of this State continuously since January 1, 1907, and who did actual military service in the Confederate army from the date of his enlistment till the close of the war or until he was honorably discharged as an officer or private soldier or sailor in the military and naval service of the Confederate States of America in the war of 1861-65, or the widow of such officer or private soldier or sailor to whom she was married prior to January 1, 1890, and who was living with him as his lawful wife at the time of his death and who has not re-married again since the death of her veteran husband, but if re-married, again becomes a widow by the death of or divorce from her husband, shall be paid out of the State Treasury the sum of $20.00 per month upon proof of the fact according to forms and regulations prescribed by this Act and conditions therein; Provided, that any officer or private soldier or sailor who was prevented from so serving until the close of the war, or until he was honorably discharged by reason of wounds or disease contracted in line of duty, which rendered him unable to perform further military service, shall be entitled to the benefits of this Act as though he had served until the close of the war or until honorably discharged; and provided, further, that any officer or private soldier or sailor who deserted or was dishonorably discharged, shall not be entitled to the benefits of this Act unless he be re-enlisted or returned to the service in the Confederate army and served until the close of the war or until he was

honorably discharged or was prevented from so serving by reason of wounds received or disease contracted in line of duty which rendered him unable to perform further military service.

§ 2. All acts or parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

Senator Moss moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Silas Jacobs | O. M. Rogers |
| W. W. Booles | L. C. Littrell | J. M. Rose |
| H. M. Brock | Frank I. Lloyd | R. H. Royster |
| Edwin C. Dawson | Rev. C. D. McCaw | E. D. Stephenson |
| Dr. T. J. Edge | C.T.McCormick,Sr. | Joe Stewart |
| Thos. C. Ferguson | Wm. Mehler | F. M. White |
| Walter N. Flippin | E. C. Moore | Sewell B. Williams |
| Chas. G. Franklin | Ray B. Moss | W. A. Yates |
| Perry B. Gaines | D. C. Naive | Allie W. Young |
| J. S. W. Holloway | Marion F. Pogue | Gates F. Young |
| Robert Humphreys | Dr. G. W. Ragan | —32 |

Resolved that the title thereof be as aforesaid.

Senator Moss moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. B. 394. An Act to amend and re-enact Section 3184 and Section 3185 of Kentucky Statutes, Carroll's 1930 Edition and relating to the payment and collection of taxes in cities of the second class.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Section 3184 of Kentucky Statutes, Carroll's 1930 Edition, be, and the same is hereby amended and re-enacted, so that said section when amended and re-enacted, shall read as follows:

Section 3184. Auditor to deliver books to clerk; tax bills; delivery of same to auditor and by him to treasurer; notice to taxpayer. As soon as the tax levy ordinance becomes a law, the Auditor shall deliver the assessment books to the City Clerk, who shall from them make out tax bills. Said bills shall show each lot, the assessment thereon, separately, shall give the name of the supposed owner, and shall give the net total assessment of personal property against said person and the tax thereon; and shall be so arranged that the tax bill for each half year may be detached and have each part intelligible. There shall be a stub to each bill which shall show in condensed form the items and amounts in the bill, and the bills and stubs shall be numbered consecutively, the stub to correspond to the bill to which it is attached. Bills and stubs to be bound in book form. On or before the first day of April in

each year, the Clerk shall deliver the assessment books and tax bills fully made out to the Auditor and together they shall ascertain whether the sum of the tax bills equals the amount of the tax which, at the rate fixed, the total assessment should, realize, and if it does not, they shall find and arrest the error; when the two agree, the Auditor shall receipt assessment books and tax bills. On or before the first day of April in year, the Auditor shall deliver all tax bills to the treasurer and take his receipts for the gross amount of them. As soon as practicable after the tax bills are delivered to the Treasurer, he shall, by himself, deputy or employees, mail to each person against whom a tax bill has been listed, or to the guardians and committees of infants and persons of unsound mind, a post paid notice, directed to the best of his knowledge, stating the number and amount of the bill, the date when due and the penalties imposed for non-payment; but this provision as to notice, is directory, and the failure of the Treasurer to send such notice, or the taxpayer, guardian or committee to receive it, shall not invalidate the tax, or the interest or penalties, or any subsequent proceeding for the collection thereof.

§ 2. That Section 3185 of Kentucky Statutes, Carroll's 1930 Edition, be, and the same is hereby amended and re-enacted so that said section, when amended and re-enacted, shall read as follows:

Section 3185. When and how taxes due and payable; penalty for non-payment. Ad valorem taxes shall be due and payable, without demand therefor, at the treasurer's office, one-half each on the first day of June and the first day of October in each year, but the whole tax for the year may be paid as hereinafter provided. The treasurer may receive the whole tax at any time after the tax bills have been made out and delivered to him, as provided in Section 3184, Kentucky Statutes, and said taxes paid during the month of April in the year in which said taxes are due and payable shall be reduced by a discount of three per cent (3%). Said taxes paid during the month of May in the year in which said taxes are due and payable shall be reduced by a discount of two per cent (2%). Taxes not paid within one calendar month after they are due,

shall be deemed delinquent and shall have added to them a penalty of ten per centum (10%) of the amount thereof, and shall thereafter bear interest at the rate of one-half of one per cent (½%) for each month or fraction of a month until paid, or until the property of the delinquent has been sold for the tax, as hereinafter provided. When taxes are paid the treasurer shall note on the stub of the bill the amounts paid on same and the date thereof, and he will deliver the receipted bill, countersigned by the auditor to the taxpayer. When any person shall desire to pay taxes on any one item of real estate in a tax bill he shall be allowed to do so, if the city's interest will not be prejudiced thereby, and will be given a receipt showing the date and the amount of the payment, the number of the tax bill, the name of the person against whom the tax bill is made out and a sufficient description to identify the property on which the taxes are paid. A corresponding notation shall be made on the tax bill and the stub and the city's lien will thereupon stand released as to said property, but the tax bill will not be surrendered until paid in full.

§ 3. Whereas, there is no provision for a discount for the prompt payment of taxes in cities of the second class, an emergency is hereby declared to exist, and this act shall take effect and be in force from and after its passage and approval.

Ordered that said bill be read the third time.

Senator Rogers moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill

in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Wm. Isaacs | Dr. G. W. Ragan |
| W. W. Booles | Silas Jacobs | O. M. Rogers |
| H. M. Brock | L. C. Littrell | J. M. Rose |
| Edwin C. Dawson | Frank I. Lloyd | R. H. Royster |
| Dr. T. J. Edge | Rev. C. D. McCaw | E. D. Stephenson |
| Thos. C. Ferguson | C.T.McCormick,Sr. | Joe Stewart |
| Walter N. Flippin | Wm. Mehler | Fred C. VanHoose |
| Chas. G. Franklin | E. C. Moore | F. M. White |
| Perry B. Gaines | Ray B. Moss | Sewell B. Williams |
| J. S. W. Holloway | D. C. Naive | W. A. Yates |
| Robert Humphreys | Marion F. Pogue | Gates F. Young |

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Resolved that the title thereof be as aforesaid.

Senator Rogers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the House of the following title:

H. B. 271. An Act creating a County Civil Service Board in Counties of this Commonwealth in which there is located a city of the first class; defining the powers and duties of said Board; providing for the expenses thereof; repealing Section 3783 and 3784 of Carroll's Kentucky Statutes, compiled and edited by the Baldwin Law Book Company, 1930 Edition, in so far as said sections relate to counties having a city of the first class.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. There is hereby created in each county of the Commonwealth of Kentucky having a city of the first class a County Civil Service Board consisting of four members with powers and duties co-extensive with the county. The members of such boards shall be appointed by the duly elected, qualified and acting sheriff of the county, two of whom shall at all times be members and supporters of, and affiliated with, the political party receiving the highest number of votes, and two of whom shall be supporters and members of, and affiliated with, the political party receiving the next highest number of votes, at the last preceding general election previous to their appointments. The sheriff shall select and appoint the members of the board from lists of four names each previously submitted to him for that purpose by the chairman of city and county executive committees of such respective political parties. The members of County Civil Service Boards shall be at least thirty years of age, citizens and continuous residents and legal voters in said city for not less than three years next preceding their appointments. No person holding any civil office shall be eligible to membership on any County Civil Service Board. The sheriff shall appoint the first members of said board on or before May 1, 1932, and all members appointed on any such boards shall hold office until their successors are appointed and qualified. One member of said board shall be appointed for a term of one year, one member of the opposite political party shall be appointed for a term of two years, one member, who is of the same political party as the member appointed for a term of one year, shall be appointed for a term of three years, and one member of the same political party as the member appointed for a term of two years shall be appointed for a term of four years; and upon the termination of the respective terms, their successors shall be appointed and qualified for a term of four years each. Any vacancies occurring within the membership of said board shall be immediately filled, for the unexpired term, by the then qualified and

acting sheriff, in the same manner as the members of the first board were selected and appointed.

The fiscal courts of said counties shall fix the salary and compensation of said members at a sum not less than six hundred dollars nor more than twelve hundred dollars per annum, payable monthly, and the salary and compensation of any member shall not be changed during his term of office.

Before entering upon the discharge of his duties, each member of said board shall execute and deliver a surety bond to the county judge of said county, in an amount to be fixed by the fiscal court of said county, not exceeding one thousand dollars.

In the event of a tie vote on any matter that may come before any such board, the sheriff of said county shall become an ex-officio member of said board only for the purpose of casting the deciding vote upon said question.

The member of the board appointed for the one year term shall be chairman for the first year, and thereafter the member whose term next expires shall be chairman for the last year of his term.

The board shall meet regularly at nine o'clock A. M., on the first and third Tuesdays of each month, at a place convenient and suitable, to be designated, provided and equipped by the fiscal court of the county. Adjourned meetings may be held as determined by the board. Special meetings of the board may be called by the chairman or by any two members, by delivering reasonable written notice to each member.

A quorum of said board shall consist of not less than three members for the transaction of business that may come before it.

§ 2. Each County Civil Service Board may employ a secretary, and a chief examiner, but the same person may perform the duties of both offices, and other examiners and

clerical and other assistants as in its judgment may be necessary for the efficient administration of this act, and shall determine, by order of record, the terms of office, duties and services to be performed, and the compensation of all persons so employed.

All clerical employees of the County Civil Service Board shall be selected and appointed from lists furnished the said Board by the chairman of the county and city executive committees, respectively, of the political parties designated herein, in such manner that one-half of the employees shall at all times be members and supporters of, and affiliated with, the political party receiving the highest number of political votes, and one-half of whom shall at all times be members and supporters of, and affiliated with, the political party receiving the next highest number of political votes, at the last preceding general election previous to their appointments. All patrols shall be selected and appointed from lists previously submitted to the Board for that purpose by the chairman of the county and city executive committee of such respective political parties. These lists shall include only those names appearing upon the eligibility lists as provided for in this Act. The patrols so selected and appointed from the lists so furnished the Board shall be equally divided so that one-half of the patrols shall at all times be members and supporters of, and affiliated with, the political party receiving the highest number of political votes and one-half of said patrols shall be members and supporters of, and affiliated with, the political party receiving the next highest number of political votes at the next preceding general election previous to their appointments.

The fiscal court of said county upon recommendation of the County Civil Service Board, shall make an annual levy and appropriation sufficient to cover all salaries and necessary expenses of said board and its employee; provided, that the expenses for the year 1932 shall be paid out of the present county police fund for the year 1932.

§ 3. Each County Civil Service Board shall have the

power and it shall be its duty to select and appoint county patrols and designate a chief and assistant chief of county patrol from eligibility lists as hereinafter provided for. The county patrols shall be discreet, sober citizens and residents of said county, not less than twenty-one years of age, and shall subscribe and take an oath in the county court for the faithful and impartial performance of his duties, and execute a bond, with good surety, in a sum to be fixed by the board. All patrols shall have jurisdiction co-extensive with the county, and shall possess all the common law and statutory powers of deputy sheriffs except for the purpose of civil process. The board, by order of record, shall prescribe the number of hours in each month each patrol shall be on duty in his district.

§ 4. The County Civil Service Boards may, once in every year, divide their counties into as many districts as the public peace and good order of society may require, and appoint in each district a company of patrols to consist of a captain and patrols necessary for efficient service in maintaining peace and good order.

Each board may, by order of record, remove, suspend or reduce in grade any officer or employee in the county patrol service for any cause which will promote the efficiency of the service; provided a written statement of the reasons therefor be first furnished such officer or employee, and he is allowed a reasonable time for answering such reasons, in writing, which answer, if he so requests, shall be made a part of the records of the board. After a full and impartial hearing, in public, of the charges preferred against such officer or employe, with the examination of all witnesses offered to testify concerning the charges so preferred, the board shall enter an order of record of its action in said cause and furnish to the said officer or employe a copy thereof. In all hearings the chairman of the board shall have the power to administer oaths to witnesses in giving testimony therein. The said board shall have power, through its chairman or secretary, to issue subpoenaes to compel the attendance of witnesses upon

any proceeding authorized by law or for the infraction of any of its rules or regulations.

§ 5. The County Civil Service Boards shall have the power to fix the salary and compensation of county patrols, chief and assistant chief of patrols. The county patrols shall be paid by order of the fiscal court out of the levy provided therefor a salary not less than fifteen hundred nor more than eighteen hundred dollars per annum, payable in equal monthly installments. The chief and assistant chief of patrols shall each be paid by order of the fiscal court, out of the county levy provided for county patrol service, a salary of twenty-one hundred dollars per annum, payable in equal monthly installments. Each patrol shall present a verified claim to the County Civil Service Board for services rendered, specifying the number of hours engaged, upon which the board shall fix the amount to be paid by the fiscal court.

§ 6. The County Civil Service Boards, upon petition of at least ten citizens, residents and taxpayers in any magisterial district, may appoint in such magisterial district not exceeding three special patrols and to continue in service not exceeding twelve months, unless sooner removed for cause by the board. None but discreet and sober citizens, at least twenty-one years of age, shall be appointed such special patrol, and they shall take oath in the county court for the faithful and efficient performance of their duties and shall give bond therefor with good surety in the sum of one thousand dollars, and when so appointed shall have jurisdiction co-extensive with the whole county. The compensation of said special patrol shall be paid by the persons who petition for their appointment.

§ 7. The County Civil Service Boards as provided for herein may, in the case of need, appoint special patrols to do special duty at any time and place within the county, and on such terms as it may deem proper and not in conflict with the civil service provisions of this act. These special patrols shall be governed by such rules and regulations as said board may

provide, and they shall have all the powers of regular patrols. The hours of service and the compensation of such special patrols shall be fixed by order of record of the board, not to exceed the compensation of regular patrols, and the compensation shall be paid in the same manner as provided for regular patrols.

§ 8. The chief of county patrols shall have exclusive direction and control of the county patrol force subject to the rules, regulations and orders of the County Civil Service Board, except in times of peril, riot, extensive conflagration, disorders or the apprehension thereof, the chief of the county patrol shall be subordinate to the board and under their direct supervision and orders. The county patrol shall visit all suspected place or places of unlawful assemblage within their respective districts and such other duties as may be prescribed by the board.

§ 9. The County Civil Service Boards, shall after published notice and hearing, make, promulgate and when necessary amend rules and regulations for the appointment, promotion, transfer, suspension, reinstatement and removal of the personnel of county patrol and for the qualification of men for appointment, promotion and transfer, and shall report its proceedings, rules and regulations to the fiscal court.

§ 10. Such rules and regulations shall, among other things, provide:

(a) For standardization and qualification of all positions. All salaries shall be uniform for like service in each grade and the same shall be standardized and classified by the board.

(b) For open and competitive test, ascertaining the relative fitness of all applicants for appointment to said county patrol service, and all tests shall be practical and related only to matters which fairly measure the relative fitness of the candidates to discharge the duties of the positions to

which they seek appointment. Notice of such tests shall be given not less than ten days in advance by public advertisement in at least one newspaper of general circulation in the county and by posting a notice on the door of the county court in the county courthouse.

(c) For the creation of eligibility lists, upon which shall be entered the names of successful candidates in the order of their standing in examinations and for the filling of places in said county patrol from selections of not more than three candidates graded highest on such eligibility list, which list shall remain in force not longer than one year. In the absence of an appropriate eligibility list, any place may be filled temporarily by the County Civil Service Board without examination for a period not to exceed sixty days, during which time the County Civil Service Board shall hold the necessary examinations for the filling of the place permanently.

No person shall be appointed or employed under any title not appropriate to the duties to be discharged, and no person shall be transferred or assigned to perform any duties of any position subject to competitive tests equivalent to that required for the position to be filled. Each list of eligibles with the respective grades shall be open to public inspection.

Any person appointed from the eligibility list and laid off for lack of work or lack of appropriation shall be placed at the head of the eligibility list for reappointment for a period of eligibility as provided by the rules of the board.

(d) For a period of probation not exceeding six months before an appointment or employment is made permanent.

(e) For reinstatement on the eligibility list of persons who, without fault or delinquence, are separated from the service.

(f) For promotion from the lower grades to the higher, based upon records of efficiency and seniority to be furnished by the captains of the county patrol districts.

§ 10. Within six months after the County Civil Service Board has promulgated rules herein provided for, all county patrols then members of the force shall attend the examination prescribed, and during said period and thereafter said examinations shall be open to all candidates, and all persons taking such examinations shall be graded, classified and their eligibility for service or continued service determined by the County Civil Service Board as herein provided, and all appointments, except as otherwise provided, shall be made by the County Civil Service Board from the eligibility lists so created. All persons appointed from such eligibility lists shall be known as in the classified service.

§ 11. No person in the county patrol service shall, directly or indirectly, give, solicit or receive, or be in any manner concerned in giving, soliciting or receiving any assessment, subscription or contribution for any political party or for any purpose whatever. No person connected with said service shall orally, or by letter, solicit or in any manner be concerned in soliciting any assessment, subscription or contribution for any political party or for any purpose from any person holding a position in the patrol service. No person shall use or promise to use his influence or official authority to secure any appointment or prospect of any appointment to any position within the patrol service as a reward or return for personal or political service. No person appointed or about to be appointed or an applicant for an appointment to any position in the patrol service shall sign or execute a resignation dated or undated in advance of such appointment. No person in the classified service shall be suspended, demoted or promoted, or in any way changed in official rank or compensation for soliciting or receiving any contribution of money, service or any other thing of value for any political purpose. No person shall participate, directly or indirectly, in preparing any political assessment, subscription, or contribution, with the intent that the same shall be sent or presented to or collected from any person in any branch of the patrol service, and no person shall knowingly send or present, directly or indirectly, in person or by a letter, any political

assessment, subscription, or contribution to or request payment by any person in any branch of the patrol service.

No person in any branch of the patrol service shall act as an officer of any political organization or be a member thereof, or take any active part in any political campaign or serve as a member of any committee of any political organization or circulate or seek signatures to any petition provided for any primary or general election, or act as a worker at the polls in favor of or opposed to any candidate for election or nomination to any public office, whether federal, State, county, or municipal.

§ 12. No question in any examination held under the provisions of this act shall relate to any political or religious opinions, affiliations or service, and no appointment, transfer, promotion, demotion, increase or reduction in compensation, suspension or removal, shall be affected or influenced by such opinions or affiliations.

§ 13. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and shall upon conviction be punished by a fine of not less than fifty dollars nor more than one thousand dollars, or by imprisonment of six months, or both so fined and imprisoned, and be barred from future employment or service under said board; and if such person be an applicant for examination for patrol service, he shall be excluded from such examination for one year thereafter, and if the name of such person be on an eligibility list, his name shall be removed therefrom.

§ 14. The County Civil Service Board shall fix a minimum standard of conduct and efficiency in the service, and whenever it shall appear to the board that the efficiency and eligibility of any employe in the service has fallen below the minimum of such standard of conduct or efficiency, he shall be summoned before the board to show cause why he should not be removed, and if, upon hearing, no satisfactory reason shall be given to the board, he shall be removed, suspended or

reduced in rank by the board as it shall determine, and said hearing shall be had in the manner as hereinbefore provided.

§ 15. The County Civil Service Boards created herein shall provide a manual of instruction for the use of persons who wish to acquire a knowledge of the rules and regulations of said board and the duties of the members of the county patrols of said counties.

§ 16. No member of any County Civil Service Board, officer, employe or patrol shall receive or accept any money or compensation, not provided by law, for any service or neglect of duty, in addition to his salary or compensation provided for herein.

§ 17. The provisions of this act are severable and if any of its provisions or any penalty provided by this act shall be held unconstitutional, such provisions or the particular penalties held to be invalid may be rejected without affecting the remainder of the act or such parts of the penalties as are not held to be invalid, and the decisions of the courts shall not affect or impair any of the remaining provisions of this act or any of the penalties anywhere in this act provided. It is hereby declared as a legislative intent that this act would have been adopted had such unconstitutional provisions or such invalid penalties not been included herein.

§ 18. That Sections 3783 and 3784 of Carroll's Kentucky Statutes, compiled and edited by the Baldwin Law Book Company, 1930 edition, so far as they relate to counties having a city of the first class, be and the same are hereby repealed.

§ 19. Whereas it is necessary to organize, establish and create the office of County Civil Service Board in counties containing cities of the first class and make all necessary preparations for the enforcement of laws and maintenance of peace and good order in society in said counties, an emergency is declared to exist, and this act shall become effective from and after its passage and approval.

Ordered that said bill be read the third time.

Senator Allie W. Young moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Silas Jacobs | R. H. Royster |
| W. W. Booles | L. C. Littrell | Joe Stewart |
| Edwin C. Dawson | C.T.McCormick,Sr. | Thos. O. Turner |
| Thos. C. Ferguson | E. C. Moore | Sewell B. Williams |
| Chas. G. Franklin | D. C. Naive | W. A. Yates |
| Perry B. Gaines | Marion F. Pogue | Allie W. Young |
| J. S. W. Holloway | Dr. G. W. Ragan | Gates F. Young |
| Robert Humphreys | O. M. Rogers | —23 |

Those who voted in the negative were:

| | | |
|---|---|---|
| H. M. Brock | Frank I. Lloyd | Dr. Lewis Ryans |
| Dr. T. J. Edge | Wm. Mehler | E. D. Stephenson |
| Walter N. Flippin | Ray B. Moss | Fred C. VanHoose |
| Wm. Isaacs | J. M. Rose | F. M. White |
| Alex E. Johnson | | —13 |

Resolved that the title thereof be as aforesaid.

Senator Allie W. Young moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. B. 322. An Act relating to revenue and taxation, imposing an excise or license tax on gasoline and all other liquid fuels, including all liquids ordinarily, practically and commercially usable in internal combustion engines for the generation of power, and all distillates of, and condensates from petroleum, natural gas, coal tar, vegetable ferments, and from all other products, so usable and sold in this Commonwealth at wholesale, as the words "at wholesale" are defined in this act; except kerosene, fuel oil, and crude oil as such; providing for the collection of such tax, for the keeping of records, reporting of sales, defining the duties of the State Tax Commission, and requiring reports to be made to the State Tax Commission by rail roads and other persons, firms or corporations showing the transportation and delivery of gasoline; exempting gasoline from local excise and license taxes; the distribution and use of the revenue derived therefrom, the administration of said law, fixing fines and penalties for the violation of this act; repealing chapter one hundred and twenty-seven of the Acts of nineteen hundred and twenty-eight, and chapter one hundred and fifty-three of the Acts of nineteen hundred and thirty, both of said chapters constituting the present Gasoline Tax Law.

Said bill reads as follows:

GASOLINE TAX LAW

§ 1. That the word "gasoline" as used in this act shall include all liquid fuels, including liquids ordinarily, practically and commercially usuable in internal combustion engines for the generation of power, and all distillates of, and condensates from petroleum, natural gas, coal, coal tar, vegetable ferments, and all other products, so usable and sold in this Commonwealth at wholesale, as the words "at wholesale"

are defined herein, except kerosene, fuel oil and crude oil as such. A State tax of five (5) cents per gallon is hereby imposed on all gasoline, as defined herein, sold in this Commonwealth at wholesale as the words "at wholesale" are hereinafter defined. No other excise or license tax shall be levied or assessed on gasoline by the State or any county, city, town or other district. The tax hereby provided for shall be paid by the person, firm, association or corporation so selling gasoline, and shall be paid by said person, firm, association or corporation into the general fund of the State Treasury in the manner and within the time hereinafter specified. The words "at wholesale", as used in this act shall be held and construed to mean and include any and all sales made for the purpose or re-sale of distribution, or for use, and, as well, the gasoline furnished or supplied for distribution within this State whether the distributor be the same person who so furnished the same, his agent or employe, or another person; and also to mean and include any person who shall purchase or obtain gasoline without the State and sell or distribute or use the same within the State. Provided, that nothing herein contained shall be construed as authorizing or requiring the collection of such tax upon any gasoline after the same shall have been already once taxed under the provision of this act, and the words "at wholesale" shall not apply to any gasoline which has been so taxed.

§ 2. All taxes collected under the provisions of this act shall be paid into the State Treasury, and shall be used only for the purpose of the construction, reconstruction, maintenance, and repair of roads, highways, and bridges.

§ 3. (a) Every person, or the treasurer or other proper officer or agent of every association, co-partnership or corporation selling gasoline at wholesale, as defined herein, shall keep and preserve, for a period of two (2) years, an accurate record of all such sales distribution, receipts, and uses of gasoline, together with invoices bills-of-lading, and other pertinent records and papers as may be required by the State Tax Commission: and shall on or before the last day of each month transmit to the State Tax Commission a statement,

under oath or affirmation, on such forms as the State Tax Commission may prescribe, of the total number of gallons of gasoline sold, distributed or used in each county of the State from their respective place or places of business so registered under the provisions of section seven a (7a) here-of during the preceding calendar month, which gallons are made taxable by this act, and shall accompany said report by a certified or cashier's check, payable to the State Treasurer of Kentucky, for the amount of tax due for such preceding calendar month. It shall be the duty of every person, purchasing gasoline taxable under this act from an "at wholesale" dealer for the purpose of resale, to maintain and keep for a period of one (1) year a record of gasoline received, the amount of tax paid to the dealer as part of the purchase price, together with delivery tickets, invoices, bills-of-lading, and such other records as the State Tax Commission shall require.

(b) Every person, association, co-partnership, or corporation, operating a refinery for the production of gasoline within the State of Kentucky, and selling gasoline for delivery to points within the State of Kentucky, shall collect and pay to the State Treasurer all taxes assessed under this act, on such gasoline. The State Tax Commission, in computing the amount of tax due under this act, shall make an allowance of one percent for leakage, evaporation, bad debts and collection costs.

(c) Every person, association, co-partnership or corporation, operating a refinery in this State, shall keep and preserve an accurate record of all such sales, distribution, manufacture, and uses of gasoline within the State of Kentucky, and all shipments of gasoline to points outside the State, and shall, not later than the tenth day of the month, make a report to the State Tax Commission, of all gasoline shipped to points in the State, and all shipments of gasoline to points outside the State, during the preceding calendar month, giving the date of shipment, car number and initial, net gallons, and the name of the person, firm or corporation to whom shipped.

(d) The State Tax Commission shall allow to every person, association, co-partnership, or corporation operating a refinery in Kentucky for keeping a record of the sale and shipments of gasoline, as provided herein, and for collecting and paying the tax thereon, one per cent of such tax reported and paid.

(e) If any person, association, co-partnership or corporation shall purchase gasoline outside the State of Kentucky, for sale within the State of Kentucky, such purchaser shall, on or before the last day of each month in which such gasoline is received, transmit to the State Tax Commission a statement, under oath or affirmation, on such forms as the State Tax Commission may prescribe, of the total number of gallons of gasoline so purchased and received for sale in Kentucky, during the month next preceding, and shall accompany said report by a certified cashier's check, payable to the State Treasurer of Kentucky, for the amount of tax due on such gasoline received provided that the State Tax Commission in computing the amount of such tax shall make an allowance of one per cent for leakage, evaporation, bad debts, collection costs, handling and reporting the tax. Provided that such allowance shall be made only on gasoline purchased in carload quantities.

(f) Every railroad or other transportation company and every other person, firm, association, partnership or corporation transporting gasoline as defined in Section 1 of this act by whatsoever manner from without the State to points within this State, or between points within the State, shall report to the State Tax Commission, on forms prescribed by the Commission, showing the name and address of each person, firm or corporation to whom deliveries of gasoline have been made, the name and address of the original consignee, if deliveries are made to any other than the original consignee, the name and address of the consignor, the point of origin, the point of delivery, the date of delivery, the number and initials of each car, if shipped by rail, the quantity of each shipment and delivery in gallons, the manner of shipment and delivery, and such other information as the State Tax Com-

mission may require relative to the transportation and delivery of such gasoline. Such reports are to include intra-city switching movements of gasoline in tank cars or otherwise. Such reports shall be made under oath and shall be filed on or before the last day of every month covering all such deliveries made within this State during the preceding calendar month.

(g) The State Tax Commission of the State of Kentucky shall, upon request duly received from the officials to whom are entrusted the enforcement of the gasoline tax laws of any other State, forward to such officials any information which it may have in its possession relative to the manufacture, receipt, sale, use, transportation and/or shipment by any person of gasoline.

(h) By virtue of the allowance provided herein to "at wholesale" dealer for collecting the tax and remitting the same to State Tax Commission, every "at wholesale" dealer is a trust officer of the State, and failure to remit gasoline tax to the State as provided herein constitutes embezzlement of State funds, and upon conviction under this section any individual, or partner, or officer, or agent of any association, partnership or corporation shall be guilty of a misdemeanor and shall be fined not exceeding one thousand dollars ($1,000.00) or imprisoned in the county jail not exceeding six months, or both so fined and imprisoned, and upon conviction on a second offense under this section, shall be guilty of a felony and shall be imprisoned for not less than one year or more than five years in the State prison.

§ 4. If any such person, association, co-partnership or corporation neglects or refuses to make said return, or pay the tax at the time hereinbefore provided, the amount thereof, with an addition of a penalty of twenty per centum thereof, with interest at the rate of six per cent per annum from the date when due until paid, shall be paid on an account settled by the State Tax Commission, as other taxes are paid, settled and collected; and, if collected by proceed-

ings in any court, an additional penalty of twenty per centum shall be collected as is authorized to be collected in revenue agents proceedings under Section 4263-4 of the Kentucky Statutes.

The said twenty per centum penalty thereon and interest due shall be paid into the State Treasury as part of the tax, and the twenty per thereof with the penalties thereon, and the State Tax Commission shall tributed as provided in Section 4263-4 of the Kentucky Statutes.

§ 5. The State Tax Commission, or any assistant or representative thereof, appointed in writing by it, is hereby authorized to examine the books, records, papers, files and equipment of any person, association, co-partnership or corporation pertaining to the business made taxable by this Act, and to that end, shall have the power to examine witnesses under oath to verify the accuracy of any return made under the provisions of this Act, or to ascertain whether or not any tax is due by any person, association, co-partnership or corporation under the provisions of this Act, and in the collection of said tax, the State Tax Commission shall have the power to institute legal proceedings for the purpose of ascertaining the amount of tax due and the collection thereof with the penalties thereon, and the State Tax Commission shall be vested with all the powers under the law of the State for the collection of taxes. The State Tax Commission may, at or after the commencement of an action for the purpose of collecting the amount of tax due and penalties and interest due thereon as set out herein have an attachment against the property of the defendant, including garnishees, without the execution of a bond upon the filing of an affidavit showing the nature of the claim, that it is just, the sum which the State Tax Commission believes the plaintiff ought to recover and that the collection of the demand will be endangered by delay in obtaining judgment or a return of no property found. Any information gained by the State Tax Commission, or any assistant, agent or representative thereof, as a result of the reports, investigations or verifications herein

required to be made, shall be confidential, and any person divulging such information shall be guilty of a misdemeanor, and, upon conviction, shall be fined not exceeding five hundred dollars ($500); providing, however, that this prohibition shall not extend to information required in prosecutions for making false reports or returns or in the preparation and prosecution of legal proceedings for the collection of any tax due under the provisions of this Act, or any prosecutions for any other infraction of the tax laws of this State. If any witness shall fail or refuse to appear at the request of the State Tax Commission, or refuse access to any books, records, files, papers, or equipment, the State Tax Commission shall certify such fact and the name of the witness, or witnesses, so failing and refusing to appear, or refusing access to any books, records, papers, files or equipment to the circuit court of the county having jurisdiction of the matter, and said court shall thereupon issue a summons for the said party to appear at a place designated within the jurisdiction of the court on a day fixed, and give such evidence and open for inspection such books, records, files and papers as may be required for the purposes of ascertaining whether or not any return so made is true and correct, or whether or not any person, association, co-partnership or corporation has failed or refused to make a true and correct return under the provisions of this law; and the circuit court shall have in any such proceeding all the power of a court of equity in punishing for contempt. In order that the State Tax Commission may have additional means of checking up the accuracy of the reports made, and determining the amount of tax due by any person, association, co-partnership or corporation, the records, books, and other documents of common carriers, relative to the transportation of gasoline, are hereby declared to be accessible to the State Tax Commission.

§ 6. Any person, association, co-partnership or corporation, or any officer, director, trustee, or member of any association, co-partnership or corporation, who shall fail, neglect or refuse to make the returns and pay the tax herein prescribed, or shall refuse to permit the State Tax Commission,

its assistants, agents or representatives appointed by it in writing, to examine the books, records, papers, files and equipment of such person, association, co-partnership or corporation pertaining to the business made taxable by this Act, or who makes any incomplete, false or fraudulent return hereunder, or who does, or attempts to do, anything whatever to avoid a full disclosure of the amount of business done or to avoid the payment of the whole or any part of the tax or penalties due, or who shall fail to preserve records of gasoline manufactured, received, used, sold or delivered, as provided in this Act, shall be guilty of a misdemeanor, and upon conviction, shall be fined not exceeding one thousand dollars ($1,000.00), and in the case the offender is an individual, he may be imprisoned in the county jail not exceeding six months, or both so fined and imprisoned. Such penalty shall be in addition to the penalty imposed hereinbefore in Section 4 of this Act.

§ 7a. On and after 30 days after this Act shall go into effect, it shall be unlawful for any "at wholesale" dealer to receive, use, sell or distribute any gasoline or to engage in the sale of gasoline within this State unless such dealer is the holder of an uncancelled license issued by the State Tax Commission to engage in such business. To procure such license every dealer shall file with the State Tax Commission an application under oath or affirmation and in such form as the State Tax Commission may prescribe, setting forth:

a. The name under which the dealer will transact business within the State of Kentucky;

b. The location, with street number address, of its principal office or place of business within this State; and if such dealer has more than one place of business within the State, the locations of each place of business;

c. The name and complete residence address of the owner or the names and addresses of the partners, if such dealer is a partnership, or the names and addresses of the

principal officers, if such dealer is a corporation or association; and if such dealer is a corporation organized under the laws of another State, territory or country, it shall also file with such application a certified copy of the certificate or license issued by the Secretary of State of Kentucky showing that such corporation is authorized to transact business in the State of Kentucky, Upon the filing of an application for a license, and concurrently therewith, a bond of the character stipulated and in the amount provided for in Section 7-b of this Act, shall be filed with the State Tax Commission. No license shall be issued upon any application unless accompanied by such a bond. In the event that any application for a license certificate to transact business as a dealer in the State of Kentucky shall be filed by any person whose license shall at any time heretofore have been cancelled for cause by the State Tax Commission, or in case said State Tax Commission shall be of the opinion that such application is not filed in good faith, or that such application is filed by some person as a subterfuge for the real person in interest whose license or registration shall theretofore have been cancelled for cause by said State Tax Commission, then and in any of said events the State Tax Commission, after a hearing, of which the applicant shall have been given five (5) days' notice in writing and in which said applicant shall have the right to appear in person or by counsel and present testimony, shall have and is hereby given the right and authority to refuse to issue to such person a license certificate to transact business as a dealer in the State of Kentucky. The application in proper form having been accepted for filing, and the bond having been accepted and approved, the State Tax Commission shall issue to such dealer a license certificate to transact business as a dealer in the State of Kentucky, subject to cancellation of such license as provided by law. The license certificate so issued by the State Tax Commission shall not be assignable, and shall be valid only for the dealer in whose name issued, and shall be displayed conspicuously in the principal place of business of said dealer in the State of Kentucky. The State Tax Commission shall keep and file

all applications and bonds with an alphabetical index thereof, together with a record of all licensed dealers.

(b) Every "at wholesale" dealer shall file with the State Tax Commission a bond in the minimum amount of $5,000.00 and up to a maximum amount sufficient in the opinion of the State Tax Commission, the financial rating and reputation of the company considered, to insure payment to the State of Kentucky of the amount of tax and any penalties and interest for which the dealer may become liable, on a form to be approved by the State Tax Commission and with a surety company approved by the State Tax Commission as surety thereon, and upon which such dealer shall be the principal obligor and the State of Kentucky shall be the obligee, conditioned upon the prompt filing of true reports and the payment by such dealer to the treasurer of the State of Kentucky of any and all gasoline excise taxes which are now or which hereafter may be levied or imposed by the State of Kentucky together with any and all penalties and/or interest thereon, and generally upon faithful compliance with the provisions of this Act. In the event that liability upon the bond thus filed by the dealer with the State Tax Commission shall be discharged or reduced, whether by judgment rendered, payment made or otherwise, or if in the opinion of the State Tax Commission any surety on the bond theretofore given shall have become unsatisfactory or unacceptable, then the State Tax Commission may require the dealer to file a new bond with satisfactory sureties in the same amount, failing which the State Tax Commission shall forthwith cancel the license certificate of said dealer. If such new bond shall be furnished by said dealer as above provided, the State Tax Commission shall cancel and surrender the bond of said dealer for which such new bond shall be substituted. In the event that upon hearing, of which the dealer shall be given five (5) days' notice in writing, the State Tax Commission shall decide that the amount of the existing bond is insufficient to insure payment to the State of Kentucky of the amount of the tax and any penalties and interest for which said dealer is or may at any time become

liable, then the dealer shall forthwith, upon the written demand of the State Tax Commission, file an additional bond in the same manner and form with a surety company thereon approved by the State Tax Commission in any amount determined by the State Tax Commission to be necessary to secure at all times the payment by such dealer to the State of Kentucky of all taxes, penalties, and interest due under the provisions of this Act, failing which, the State Tax Commission shall forthwith cancel the license certificate of said dealers. Any surety on any bond furnished by any dealer as above provided shall be released and discharged from any and all liability to the State of Kentucky accruing on such bond after the expiration of sixty (60) days from the date upon which such surety shall have lodged with the State Tax Commission written request to be released and discharged. Provided, however, that such request shall not operate to relieve, release or discharge such surety from any liability already accrued, or which shall accrue, before the expiration of said sixty-day period. The State Tax Commission shall promptly on receipt of notice of such request notify the dealer who furnished such bond, and, unless such dealer shall on or before the expiration of such sixty-day period file with the State Tax Commission a new bond with a surety company satisfactory to the State Tax Commission in the amount and form hereinbefore in this section provided, the State Tax Commission shall forthwith cancel the license of said dealer. If such new bond shall be furnished by said dealer as above provided, the State Tax Commission shall cancel and surrender the bond of said dealer for which such new bond shall be substituted.

(c) If an "at wholesale" dealer shall at any time file a false monthly report of the data or information required by this Act, or shall fail, refuse or neglect to file the monthly report required by this Act, or to pay the full amount of the tax as required by this Act, the State Tax Commission may forthwith cancel the license of said dealer and notify such dealer in writing of such cancellation by registered mail to the last known address of such dealer appearing on the files

of the State Tax Commission. The State Tax Commission is hereby given the power to cancel any license hitherto or hereafter issued to any dealer, such cancellation to become effective sixty (60) days from the date of receipt of the written request of such dealer for cancellation thereof or said State Tax Commission may cancel the license of any dealer upon investigation and sixty (60) days' notice mailed to the last known address of such dealer if it shall ascertain and find that the person to whom such license has been issued is no longer engaged in the receipt, use or sale of gasoline as a dealer, and has not been so engaged for the period of six (6) months prior to such cancellation. But no such license shall be cancelled upon the request of any dealer until and unless the dealer shall, prior to the date of such cancellation, have paid to the State of Kentucky all excise taxes payable under the laws of the State of Kentucky together with any and all penalties and fines accruing by reason of any failure on the part of said dealer to make accurate reports as required by this Act and/or to pay said taxes and/or penalties. In the event that the license of any dealer shall be cancelled by the State Tax Commission as hereinbefore in this section provided, and in the further event that said dealer shall have paid to the State of Kentucky upon the receipt, sale or use of gasoline, together with any and all penalties accruing by reason of any failure on the part of said dealer to make accurate reports or to pay said tax and/or penalties, then the State Tax Commission shall cancel and surrender the bond theretofore filed by said dealer.

(d) Any person who shall engage in business in the State of Kentucky as an "at wholesale" dealer without being the holder of an uncancelled license to engage in such business, or who shall, without such license, sell any gasoline upon which the tax herein imposed shall not have been reported and paid, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00) or by imprisonment in the county jail for not less than thirty (30) days nor more than one (1) year or

both so fined and imprisoned in the discretion of the jury. Each day or part thereof during which any person shall engage in business as a dealer without being the holder of an uncancelled license shall constitute a separate offense within the meaning of this section.

§ 8. It shall be the duty of the State Tax Commission to administer and enforce the provisions of this Act, and it is hereby authorized and empowered to prescribe all blanks, forms and reports necessary to carry out the provisions of this Act. It shall certify each month to the State Auditor the total amount of tax paid or collected from each wholesale dealer during the preceding month under the provisions of this Act, and shall accompany said certification with the checks received by it for the payment of said tax and penalties, if any. All costs and expenses incurred by the State Tax Commission in the administration of this Act shall be paid out of the funds collected hereunder.

§ 9. No suit shall be maintained in any court to restrain or delay the collection or payment of the tax herein imposed upon any ground whatever, but the aggrieved taxpayer shall pay the taxes when due, and if paid under protest may at any time within two years from the date of such payment sue the Auditor of Public Accounts in an action of law to recover the tax so paid, with legal interest thereon from the date of payment. If it is legally determined that said tax, or any part thereof, was wrongfully collected for any reason, it shall be the duty of the Auditor of Public Accounts then in office to issue his warrant on the Treasurer of the Commonwealth of Kentucky for the amount of such tax so adjudged to have been wrongfully collected, together with interest thereon, and the Treasurer shall pay same out of the public road fund of the State. A separate suit need not be filed for such separate payment made by any taxpayer, and a recovery may be had in one suit for as many illegal payments as may have been made, and which are not barred by the limitation of two years herein imposed.

§ 10. The provisions of this Act are severable and if

any of its provisions or any penalty provided by this Act shall be held unconstitutional, such provision or the particular penalty held to be invalid shall not affect or impair the remainder of the Act or such part of the penalties as are not held to be invalid and the decisions of the courts shall not affect or impair the remaining provisions of this Act or any of the other penalties anywhere in this Act provided. It is hereby declared as a legislative intent that this Act would have been adopted had any unconstitutional provisions or such invalid penalties not been included therein.

§ 11. All of the provisions of Chapter 127 of the Acts of the General Assembly of 1928 and of Chapter 153 of the Acts of the General Assembly of 1930 are hereby repealed and this Act is enacted in lieu of all of said Acts and shall constitute and embrace all of the law of this Commonwealth imposing any tax on gasoline.

§ 12. Whereas, the new provisions of this Act are designed to strengthen the administrative features of the gasoline tax law and to prevent the evasion of the tax which may be practiced under the present law due to the fact that no penalties are provided for failure to execute bond, an emergency is declared to exist and this Act shall take effect from and after its passage and approval by the Governor.

Ordered that said bill be read the third time.

Senator Gaines moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Robert Humphreys | J. M. Rose |
| H. M. Brock | Wm. Isaacs | R. H. Royster |
| Edwin C. Dawson | Silas Jacobs | Dr. Lewis Ryans |
| Dr. T. J. Edge | Wm. Mehler | E. D. Stephenson |
| Thos. C. Ferguson | E. C. Moore | Joe Stewart |
| Walter N. Flippin | Ray B. Moss | Thos. O. Turner |
| Chas. G. Franklin | D. C. Naive | Fred C. VanHoose |
| Perry B. Gaines | Marion F. Pogue | F. M. White |
| Arch Hamilton | Dr. G. W. Ragan | Sewell B. Williams |
| J. S. W. Holloway | O. M. Rogers | W. A. Yates |

—30

Resolved that the title thereof be as aforesaid.

Senator Gaines moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the House of the following title:

H. B. 544. An Act requiring all incorporated cities and towns in the State of Kentucky to acquire lands for dumping garbage, and compelling said city or town to keep an open road to and from such lands in repair.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That each and every city or town in the State of Ken-

tucky may acquire suitable lands for dumping garbage, and compel said city or town to keep an open road to and from such lands in repair.

All laws and parts of laws in conflict with this Act are hereby repealed.

Ordered that said bill be read the third time.

Senator Ferguson moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| W. W. Booles | Robert Humphreys | Dr. G. W. Ragan |
| H. M. Brock | L. C. Littrell | O. M. Rogers |
| Dr. T. J. Edge | Rev. C. D. McCaw | J. M. Rose |
| Thos. C. Ferguson | C.T.McCormick,Sr. | R. H. Royster |
| Walter N. Flippin | E. C. Moore | E. D. Stephenson |
| Chas. G. Franklin | Ray B. Moss | Joe Stewart |
| Perry B. Gaines | D. C. Naive | Gates F. Young |
| J. S. W. Holloway | Marion F. Pogue | —25 |

Resolved that the title thereof be as aforesaid.

Senator Ferguson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 154. An Act authorizing cities of the fourth and fifth classes to provide insurance or maintenance for arresting officers, who may sustain injury, in discharge of official duty, which incapacitates such officer; and support for widows and orphans of such officers who lose their lives in discharge of official duty, and provide funds and taxes therefor, and procedure for securing same and determining amounts to be paid, and for trials, and appeals concerning same.

Senator Moss moved that said bill be recommitted to the Committee on Rules.

The question being taken thereon, was decided in the affirmative.

Said bill was recommitted.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 323. An Act to repeal, amend and re-enact Section 4042a-8 of Kentucky Statutes, relating to the compensation of the County Tax Commissioners.

Senator Jacobs moved that said bill be recommitted to the Committee on Rules.

The question being taken thereon, was decided in the affirmative.

Said bill was recommitted.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 1. An Act authorizing, regulating and governing the transportation for hire of persons and property by motor vehicles on public highways; giving the Railroad Commission of Kentucky certain powers with respect thereto; providing for the payment of fees and for the payment of taxes; giving the State Tax Commission certain powers in connection therewith; prescribing punishment and penalties; and repealing all laws in conflict herewith.

Senator Allie W. Young moved that said bill be recommitted to the Committee on Rules.

The question being taken thereon, was decided in the affirmative.

Said bill was recommitted.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 244. An Act amending Section 579, Kentucky Statutes, 1930 Edition, relating to banks and banking, and empowering banks and trust companies and combined banks and trust companies to pledge certain assets as security for public funds of the United States, State, municipal, county, public schools, taxing districts and other public funds.

Senator Franklin moved that said bill be recommitted to the Committee on Rules.

The question being taken thereon, was decided in the affirmative.

Said bill was recommitted.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 368. An Act to amend and re-enact Subsection 1,

of Section 2866, Subsection 3, of Section 2866, and Subsection 4, of Section 2866, Kentucky Statutes, 1930 Edition, Carroll's, same being a part of Chapter 115, page 389, Section 82, of the Acts of 1926 session of the General Assembly of Kentucky, relating to and providing for the creation of a Civil Service Board of five members, and for their appointment, qualifications, bond, term of office, removability and compensation of said board and appointees, and for the levy and assessment of taxes to support said board, and defining the right, powers and duties of said board and declaring an emergency.

Senator Allie W. Young moved that said bill be recommitted to the Committee on Rules.

The question being taken thereon, was decided in the affirmative.

Said bill was recommitted.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 414. An Act relating to the fiscal administration of the Commonwealth of Kentucky, and amending Section 1992a-24, Carroll's Kentucky Statutes, 1930 Edition, prescribing the duties of the State Budget Commission with reference to the control and supervision of expenditures by the various budget units of the State, and prescribing the duties of the Auditor of Public Accounts, the State Tax Commission and other officers of the State, and repealing Section 1992a-26, Carroll's Kentucky Statutes, 1930 Edition.

Senator Stephenson moved that said bill be recommitted to the Committee on Rules.

The question being taken thereon, was decided in the affirmative.

Said bill was recommitted.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 212. An Act to provide for the regulation and control of public utilities within the Commonwealth of Kentucky; creating a Public Service Commission, defining its powers and duties, providing for its expenses, including the salaries of commissioners, officers and employees, and creating a fund for that purpose, and providing for the collection thereof; providing for the appointment and removal of commissioners, officers and employees, and defining their powers and duties; transferring the powers of the Railroad Commission to the Public Service Commission under certain conditions, and otherwise defining the jurisdiction of the Public Service Commission as to certain other utilities now within the jurisdiction of the Railroad Commission; abolishing the Commissioner of Motor Transportation and transferring the powers and duties of that commission; providing penalties for the violation of this Act; and providing for adequate court review.

The Committee on Kentucky Statutes No. 1 proposed the following amendment to said bill, by the way of a substitute therefor.

Said substitute bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. (a) Public Service Commission Created. There shall be, and there is hereby created a commission to be known as the "Public Service Commission of Kentucky," which is hereby declared to be a body corporate with power to sue and be sued, and in its corporate name, as above designated, to adopt a corporate seal bearing the following inscription: "Public Service Commission of Kentucky," which seal shall be affixed to all writs and official documents, and to such other instruments as the commission shall direct. All courts shall take judicial notice of said seal.

(b) The Public Service Commission shall consist of three commissioners, who shall be appointed by the Governor, subject to confirmation by the Senate, if in session when such appointment is made; if not in session, then at its next succeeding session.

(c) On or before the first day of July, 1932, the Governor shall appoint three commissioners who shall be citizens and residents of this State. The annual salary to be paid each commissioner shall be $5,000.00, together with his necessary traveling expenses, payable as now provided by law to other officers of the State Government, out of funds hereinafter provided for the operation of this law. Said commissioners shall immediately thereafter enter upon the discharge of their duties, and shall hold office for one (1), two (2), and four (4) years respectively, from the first day of July, 1932, the term of each to be designated by the Governor; but their successors shall be appointed for a term of four (4) years each, except that any person appointed to fill a vacancy shall serve only for the unexpired term of the commissioner whom he succeeds. They and each of them shall, before entering upon the discharge of their duties, subscribe, and file with the Secretary of State, the constitutional oath of office.

(d) The Governor shall have power to remove any commissioner, or any officer or employee of the commissioner for incompetency, neglect of duty, immorality, corrupt practice, or for any malfeasance or misfeasance in office, upon due and reasonable notice, and after a hearing before the Governor, at which any such commissioner, officer or employee shall be entitled to be heard in person and by counsel.

(e) The commissioner first appointed to serve four years shall be chairman of the Public Service Commission, and thereafter the commissioner, whose term of office is longest in point of continuous service upon the commission, shall be and Act as chairman.

(f) The concurrent judgment of two of the commis-

sioners shall be deemed to be the action of the commission, when in session as a board, and no vacancy in the commission shall embarrass the right of the remaining commissioners to exercise all of the powers of the commission.

(g) No person while in the employ of or holding any official relation to any public utility, within the meaning of this Act, or holding any stocks, bonds or other securities, either directly or indirectly, or pecuniarily interested therein, either directly or indirectly, shall enter upon the duties of. or hold said office, nor shall any such commissioner be a candidate for or hold public office, or be a member of any political party committee, while acting as such commissioner; nor shall any commissioner or employee of said commission receive any free transportation, or other thing of value, either directly or indirectly, from any public utility within the meaning of this Act. If any of said commissioners shall become a candidate for any public office, or shall become a member of any political party committee, his office as commissioner shall be ipso facto vacated. The taking or receiving, either directly or indirectly by any member of the Public Service Commission, or by any officer or employee thereof, or any rebate, percentage of contract, pass, free transportation or other thing of value, either directly or indirectly, from any public utility within the meaning of this Act, shall be deemed a felony, and any member of said commission, officer or employee thereof, convicted under this section shall be punished by a fine not to exceed $5,000.00 and by imprisonment in the penitentiary not less than five years nor more than ten years.

§ 2. (a) Subordinates. The Public Service Commission may, subject to approval by the Governor, appoint a secretary, a rate clerk, and such other experts, agents, investigators, engineers or other employees and assistants as may be necessary for the powers herein conferred upon the commission, and shall prescribe their respective duties, and fix their compensation, which compensation shall be paid out of the funds hereinafter provided for the operation of

this law. Such subordinates shall in addition thereto receive their necessary traveling expenses when engaged on the business of the commission and shall be payable as now provided by law in the case of other such officers and employees. The commission may transfer officers or employees from their positions to other positions in the service, or abolish or consolidate such positions. The commission may remove from office any officer or employee of the commission for incompetency, neglect of duty, gross immorality, malfeasance or misfeasance in office, corrupt practices, or for other cause affecting the performance or discharge of his duties, and to reduce the number of employees. The commission shall have power to establish, consolidate or abolish divisions or bureaus under its supervision for the purpose of expediting the various branches of the service within its jurisdiction, and for the purpose of making the same more efficient and reducing the expenses of the commission. Each division or bureau and each officer or employee shall be subject to such rules and regulations as the public service commission may from time to time adopt and promulgate for its operation and management.

(b) The secretary shall keep a full and true record of all proceedings of the commission, keep in his custody the files and papers in each proceeding and it shall be his duty to issue all necessary process returns and notices, to keep all books, maps, documents and papers ordered to be filed with the commission and all orders made by the commission, approved and confirmed by it and ordered to be filed. The secretary shall, with each of the commissioners, have power to administer oaths in all parts of the State, so far as the exercise of such power is properly incidental to the performance of his duties or that of the commission.

(c) The general office shall be kept at the Capitol of the State and kept open each working day between the hours of nine o'clock A. M. and five o'clock P. M., in charge of the secretary, or some other competent person, but hearings and the taking of evidence may be had at such times and places

within the State and in each particular case, as the commission may designate.

(d) The Attorney General shall be the legal advisor of the commission, but the commission may appoint, subject to the approval of the Governor, a special counsel, to perform services and discharge the duties of attorney to the commission. Such specially appointed counsel shall receive such salary as may be fixed by the Commission and approved by the Governor, such salary to be paid in the same manner as that of the members of the commission.

§ 3. Procedure Before the Commission. (a) Complaints. The commission shall have power to hold a hearing upon its own initiative or upon complaint made by or against a public utility that any of the rates, tolls, charges or schedules, or any joint rate or rates in which such petitioner is directly interested are in any respect unreasonable or unjustly discriminatory; or that any regulation, measurement, practice or act whatsoever affecting or relating to the service of any public utility or any service in connection therewith is in any respect unreasonable, unsafe, insufficient or unjustly discriminatory; or that any service is inadequate or can not be obtained, and in such event the commission shall proceed with or without notice to make such investigation as it may deem necessary or convenient. But, no order affecting said rates, tolls, charges, schedules, regulations, measurements, practice or act complained of shall be entered by the commission without a formal public hearing.

(b) Rules for Hearing. All hearings, investigations and proceedings shall be governed by this Act and by such other rules of practice and procedure as may be adopted by the commission.

(c) Process. The commission and each commissioner and the secretary of the commission shall have power to administer oaths, certify to official acts, issue subpoenas, compel the attendance of witnesses and the production of books,

accounts, papers, records, documents and testimony. The commission may invoke the aid of the Franklin Circuit Court to enforce, by proceedings for contempt, by a mandamus injunction, or other proper proceedings, all of its orders and to compel obedience to summons or subpoena issued by its secretary, the commission, or any of the commissioners.

(d) Depositions. The commission, or any commissioner, or the secretary of the commission, or any party in the proceedings, may, in any investigation or hearing before the commission, cause the deposition of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions in civil actions in circuit courts.

(e) Fees. Any witness summoned before the commission shall receive for his attendance the fees and mileage now provided for witnesses in civil cases in courts of record, which shall be audited and paid by the State in the same manner as other expenses are audited and paid upon the presentation of proper vouchers, sworn to by the witness and signed by the chairman of the commission, provided that no mileage fee shall be allowed to a witness who has been furnished with free transportation.

(f) Notice of Complaint, Time for Hearing. The commission shall, prior to any formal hearing, notify the defendant in such hearing and any other interested party that a complaint has been made, and ten days after such notice has been given the commission may proceed to set a time and place for a hearing and an investigation as hereinafter provided.

(g) Notice of Hearing. The commission shall give the complainant and the defendant, if any there be, ten days' notice of the time and place, when and where such hearing and investigation will be held. Both the complainant and the defendant, if any, or any other interested party shall be entitled to be heard and shall have process to enforce the attendance of witnesses.

(h) Separate Hearings. The commission may, in its discretion, when complaint is made of more than one rate or charge, order separate hearings thereon and may consider and determine the several matters complained of separately and at such times as it may prescribe.

(i) Investigation of Unreasonable Rates. Whenever the commission shall believe that any rate or charge may be unreasonable or unjustly discriminatory, or that any service is inadequate or can not be obtained or that an investigation of any matters relating to any public utility should for any reason be made, may, on its own motion, summarily investigate the same with or without notice. If, after making such investigation, the commission becomes satisfied that sufficient grounds exist to warrant a formal hearing as to the matters so investigated, it shall furnish such public utility interested a statement notifying the public utility of the matters under investigation. Ten days after such notice has been given, the commission may proceed to set a time and place for a hearing and an investigation as hereinbefore set out.

(j) Record of Proceedings. A record shall be kept of all proceedings had before the commission or any commissioner, or any form of investigation had, and all testimony shall be taken down by a stenographer appointed by the commission, and all parties shall be entitled to be heard in person or by attorney.

(k) Certification of Transcript. A transcript of the evidence and proceedings or any specific part thereof on any investigation taken by the stenographer appointed by the commission, being certified under oath by such stenographer, to be a true and correct transcript of all the testimony on the investigation, carefully prepared by him from his original notes and to be a correct statement of the evidence and proceedings had on such investigation, so purporting to be taken and transcribed, shall be received in evidence with the same effect as if such reporter were present and testified to the facts so certified.

(l) Copies of Transcripts Furnished. A copy of such transcript shall be furnished, on terms fixed by the commission, to any party to such investigation.

(m) Rules of Evidence. In the investigation, preparations and hearing of cases, the commission shall not be bound by the technical rule of pleading and evidence, but in that respect it may exercise such discretion as will facilitate its efforts to understand and learn all the facts bearing upon the right and justice of the matters before it.

(n) Self-crimination. A claim that any testimony or evidence may tend to criminate the person giving the same shall not excuse such witness from testifying, but such witness shall not be prosecuted for any offense concerning which he may be compelled to testify; provided that no person testifying shall be exempted from prosecution and punishment for perjury committed in so testifying.

(o) At any time within sixty (60) days after an order has been made by the commission any person interested therein may apply for a rehearing in respect to any matter determined therein, and the commission shall grant and hold such a rehearing if in its judgment sufficient reasons therefor be made to appear, which rehearing shall be subject to such rules as the commission may prescribe. Application for such a hearing shall not excuse any utility or person from complying with or obeying an order of the commission, or operate in any manner to stay or postpone the enforcement thereof except as the commission may by order direct. Any order of the commission made after such rehearing shall have the same force and effect as an original order, but shall not affect any right, or the enforcement of any right, arising from or by virtue of compliance with the original order prior to the order made after rehearing.

(p) From any final action or order of the commission in the exercise of the jurisdiction, powers and authority conferred upon the commission by this act, an appeal shall lie

to the circuit court of Franklin County, sitting in equity, and thence to the Court of Appeals of Kentucky. Such appeals from the orders and actions of the commission, and the supersedeas and stay of the action or order appealed from, shall be governed by the provisions of law now in force or hereafter enacted respecting appeals in other cases.

(q) No preliminary injunction or interlocutory order, or decree or process suspending or restraining or affecting the enforcement of any action, order or determination of the commission shall be granted by any judge or court, except upon hearing, after at least five days' notice to commission.

(r) It shall be the duty of courts of competent jurisdiction to entertain and determine all actions commenced under the provisions of this act, and to enforce the provisions of this act, or of any order of the commission, by mandamus, or by injunction, or by any other appropriate remedy.

(s) Orders of Commission to be in Writing. Every order of the commission shall be in writing, and in cases of importance may be accompanied by an opinion, setting forth in brief, the facts on which the commission has based its order. The commission shall provide for the assembling and publication from time to time of its opinions and orders.

(t) Adherence to Act. A substantial compliance by the commission with the requirements of this act shall be sufficient to give effect to all rules, orders, acts, and regulations of the commission, and they shall not be declared inoperative, illegal or void for any omission of a technical nature, in respect thereto.

§ 4. Definitions. (a) The term "corporation," when used in this act, includes a municipality, a private corporation, an association, a joint stock association, or a business trust.

(b) The term "person," when used in this act, includes a natural person, a partnership, or two or more persons having a joint or common interest, and a corporation as hereinbefore defined.

(c) The term "municipality," when used in this act, includes a county, city, village, town, and any other public corporation existing, created or organized as a governmental unit under the constitution or laws of the State.

(d) The term "utility" or "utilities," when used in this act, shall mean and include every person or group of persons not engaged solely in interstate business, that now or may hereafter own, operate, or lease (1) any plant, property or facility for the generation, production, transmission or distribution, sale or furnishing to or for the public, of electricity for light, heat or power, or other uses, including any conduits, ducts or other devices, materials, apparatus, or property for containing, holding or carrying conductors used or to be used, for the transmission of electricity for light, heat or power or other uses; (2) any plant, property or facility for the production, manufacture, storage, distribution, sale or furnishing to or for the public of natural or manufactured gas for light, heat or power, or other uses; (3) the transporting or conveying of gas, crude oil, or other fluid substance by pipe line for the public for compensation; (4) any plant, property or facility for the supply, storage, distribution or furnishing to or for the public of water for manufacturing, municipal, domestic or other uses; (5) any plant, property or facility for the purpose of transmission or conveyance over wire, in the air or otherwise, of any message, either by telegraph, telephone, or intended for use to or for the public; (6) the transporting of persons or property by motor vehicles for the public, for compensation, over the public highways of Kentucky, but not including taxicab or truck service in cities or towns; (7) the transporting of persons or property by steamboat, steamboat company, or other boat or water craft by the use of steam, oil, gasoline or other means, for the public for compensation; (8) the transporting of persons or prop-

erty by street, suburban or interurban railways, for the public, for compensation.

(e) The term "rate," when used in this act, unless otherwise specified, shall mean and include the plural number, as well as the singular, every individual or joint rate, classification, toll charge, or other compensation for service rendered or to be rendered by any utility, and every rule, regulation, practice, act, requirement or privilege in any way relating to such rate, fare, toll, charge or other compensation, and any schedule or tariff, or part of a schedule or tariff thereof.

(f) Unless otherwise specified, the term "service regulation," when used in this act, shall mean and include every rule, regulation, practice, act or requirement in any way relating to the service or facilities of a utility, including the voltage of electricity, the heat units, pressure and candle power of gas; the purity and pressure of water, and, in general, the quantity and quality of any commodity or service or product described or mentioned in this act.

(g) The term "commission," when used in this act, shall refer to the "Public Service Commisson of Kentucky," unless otherwise indicated.

§ 5. Powers and Duties of the Public Service Commission. (a) Jurisdiction. The jurisdiction of the commission shall extend to all public utilities in this Commonwealth as enumerated under Section 4 (d) of this act.

(b) General Powers of the Commission to Regulate Public Utilities. The commission is hereby given power to investigate all methods and practices of public utilities subject to the provisions of this act; to require them to conform to the laws of this Commonwealth and to all reasonable rules, regulations and orders of the commission not contrary to law; and to require copies of all reports, rates, classifications, and schedules, in effect and used by such utility, or other person,

to be filed with the commission, and also other information desired by the commission relating to such investigation and requirements. The commission may compel obedience to its lawful orders by mandamus or injunction or other proper proceedings in the Franklin Circuit Court, and such proceedings shall have priority over all pending cases. Every order entered by the commission shall continue in force until the expiration of the time, if any, named by the commission in such order, or until revoked or modified by the commission, unless the same be suspended, modified, or revoked by order or decree of the Franklin Circuit Court or the Court of Appeals of Kentucky.

(c) General Powers of Commission with Respect to Rates. The commission shall have power to enforce, originate, establish, change and promulgate tariffs, rates, joint rates, tolls and schedules for all public utilities enumerated under Section 4 (d) of this act and whenever the commission after a hearing had, upon reasonable notice, upon its own motion or upon complaint finds that any existing rate, joint rates, tariffs, tolls or schedules are unjust, unreasonable, insufficient or unjustly discriminatory or otherwise in violation of any of the provisions of this act, the commission shall by order fix just and reasonable rates, joint rates, tariffs, tolls or schedules to be followed in the future in lieu of those found to be unjust, unreasonable, insufficient or unjustly discriminatory or otherwise in violation of any provision of this act. The commission may change any intrastate rate, charge or toll which is unjust or unreasonable or any interstate charge, with respect to matters of purely local nature which have not been regulated by or pursuant to an act of Congress, and may prescribe such rate, charge or toll as would be just and reasonable, and change or prohibit any practice, service or method of service in order to prevent unjust discrimination or favoritism as between persons or localities.

(d) Procedure for Changing of Rates. No public utility subject to the provisions of this act shall change, suspend or annul any rate, joint rate, charge, rental or classification

except after thirty days' notice to the commission and the public, which notice shall plainly state the changes proposed to be made in the schedule then in force and the time when the proposed changed rates or changes shall go into effect. But the commission may enter an order suspending the proposed rate and prohibiting such public utility from putting such proposed new rate into effect pending the hearing and final decision of the matter, in which case the proposed new rate shall stand suspended until it is determined by the commission whether or not the same is just and reasonable. The proposed changes shall be shown by printing new schedules, or shall be plainly indicated upon the schedules in force at the time, and kept open to the public. Provided, however, that the commission may, in its discretion, and for good cause shown, allow changes upon less time than the notice herein specified, or may modify the requirements of this section in respect to publishing, posting and filing of tariffs, either by particular instructions or by general order.

Whenever there is filed with the commission by any such public utility any schedule stating a new rate, or rates, the commission may either upon complaint or upon its own initiative, upon ten (10) days' notice enter upon a hearing concerning the lawfulness of such rate or rates; pending such hearing and the decision thereof, the commission, upon filing with such schedule and delivering to the utility affected thereby a statement in writing of its reasons therefor, may, at any time before such rate, or rates, become effective, suspend the operation of such rate, or rates, but not for a longer period than one hundred and twenty (120) days beyond the time when such rate, or rates, would otherwise go into effect, unless the commission shall find that a longer time will be necessary, in which case the commission may extend the period for not to exceed an additional one hundred and twenty (120) days; provided, and notwithstanding any such order of suspension, such public utility may put such suspended rate, or rates, into effect upon the date when it or they would have become effective, if not so suspended, by filing with the commission a bond in a reasonable amount approved by the commis-

sion with sureties approved by the commission, conditional upon the refund, in a manner to be prescribed by order of the commission, to the persons entitled thereto of the amount of the excess, if the rate or rates so put into effect are finally determined to be excessive; or there may be substituted for such bond, other arrangements satisfactory to the commission for the protection of the parties interested. After a period of ninety (90) days, upon final determination that such refund should be made, any party entitled to such refund may, after ten days' written demand and failure on the part of the utility to make such refund, sue therefor in any court of competent jurisdiction of this state, and be entitled to recover, in addition to the amount of the refund due, all court costs and reasonable attorney's fees, but no suit may be maintained for that purpose unless instituted within two (2) years after such final determination. Any number of persons entitled to such refund may join as plaintiffs, and recover their claims in a single action; in which action the court shall render a judgment severally for each plaintiff as his interest may appear.

If, after such hearing, the commission finds any such rate, or rates, to be unjust, unreasonable or unjustly discriminatory, or in any wise in violation of law, the commission shall determine the just and reasonable rate or rates to be charged or applied by the utility for the service in question, and shall fix the same by order to be served upon the utility; and such rate or rates shall thereafter be observed until changed as provided by this act.

(e) Unreasonable Regulations, Practice and Services. Whenever, under the provisions of this act, the commission shall find any regulations, measurements, practices, acts or service to be unjust, unreasonable, insufficient or unjustly discriminatory, or otherwise in violation of any provision of this act, or shall find that any service is inadequate, or that any service which is demanded cannot be reasonably obtained, the commission shall determine and declare, and by order fix, reasonable measurements, regulations, acts, prac-

tices or service, to be furnished, imposed, observed and followed in this Commonwealth in lieu of those found to be unjust, unreasonable, insufficient, unjustly discriminatory, inadequate, or otherwise in violation of the provisions of this act, and shall make such other order respecting the same as shall be just and reasonable.

(f) Valuation of the Property of a Utility by the Commission. The commission may, upon its own motion, at any time and upon reasonable notice to any utility, when the commission deems it necessary to ascertain the value of the property of such utility, proceed to investigate, ascertain and report the value thereof, and shall make such investigation, ascertainment and report upon the request and application of any utility. To enable the commission to make such investigation and report, if upon its own motion, it is authorized to employ such experts and other assistants as it may deem necessary. If such investigation and report be made upon the application of a utility, the same shall be made and the experts and assistants employed by the commission for that purpose, shall be employed at the expense of the utility making such application. The commission may appoint examiners who shall have the power to administer oaths, examine witnesses and take testimony in connection with any such investigation. In arriving at a valuation of the property of any utility as provided in this section—the commission shall give due consideration to the history and development of the utility and its property, original cost, cost of reproduction as a going concern, and other elements of value recognized by the law of the land for rate making purposes. For the purpose of making such investigation, the members of the commission and its duly authorized agents and employees shall at all reasonable times have free access to the property, accounts, records and memoranda of the utility whose property and rights are being valued and it shall be the duty of such utility to aid and cooperate with, the commission and its duly authorized agents and employees to the fullest degree for the purpose of facilitating such investigation. Upon the completion of the valuation of any utility, as herein provided, the commission

may thereafter keep itself informed of all extensions and improvements or other changes in the condition and values of the property of such utility, and may ascertain the value thereof, and may from time to time revise and correct its valuation to the extent that may be necessary by reason of such extensions and improvements or other changes in the physical condition and resulting value of such property; and to this end every utility shall make such report and furnish such information as the commission may require.

Whenever the commission shall have completed its valuation and report of the property of any utility as herein provided, and before such valuation shall become final the commission shall give notice to such utility stating the valuation placed upon the property valued and shall allow thirty (30) days in which such utility may file a protest of the same with the commission. If no protest is filed within thirty (30) days, the valuation fixed by such report shall become final as of the date thereof.

If notice of protest is filed by any utility whose property is so valued, the commission shall fix a time for hearing the same and shall proceed as promptly as may be to hear and consider any matter relative and material thereto which may be presented in support of any such protest so filed. If, after hearing any such protest the commission shall be of the opinion that its valuation should not be made final, it shall make such changes as may be necessary to do justice, and shall issue an order making such valuation as corrected final as of the date thereof, which order shall be a final order of the commission. If after hearing any such protest the commission shall be of the opinion that its valuation should be made final, it shall issue an order making such valuation final as of the date thereof, which order shall likewise be a final order of the commission. Any such final order and the commission's report of valuation upon which the same is based shall be a permanent public record of the commission and shall be kept on file at its office.

(g) Authority to Enter Premises. The commissioners

and the officers and employees of the commission may, during all reasonable hours, enter upon any premises of any public utility, for the purpose of examining any books or records or for making any examination or test or for exercising any power provided for in this act, and may set up and use on such premises apparatus and appliances necessary for any such examination or test. Such public utility shall have the right to be represented at the making of any such examination or test or inspections.

(h) Investigations. The commission may on its own motion or whenever it may be necessary in the performance of its duties, investigate and examine the condition and management of public utilities or any particular utility. In conducting such an investigation the commission may proceed either with or without a hearing as it may deem best, but it shall make no order without affording the parties affected thereby a hearing.

(i) System of Accounts. The commission may establish a system of accounts to be kept by the public utilities, subject to its jurisdiction, or may classify such public utilities and establish a system of accounts for each class and prescribe the manner in which such accounts shall be kept. The commission shall have the power and authority to examine and inspect at reasonable times and in a reasonable manner the books, records, accounts, plant, property and facilities of any public utility, subject to its jurisdiction, insofar as the same may be pertinent to any matter under investigation before the commission. Every public utility, subject to the jurisdiction of the commission, furnishing service within the state shall maintain an office located within the state, and in which shall be kept books of account, and a record of the business done in this state, and such other records, books or documents that the commission may reasonably require to be kept in this state. Every public utility, subject to the jurisdiction of the commission when and as required by the commission shall file with the commission such annual or other reports or information as the commission shall reasonably re-

quire. The commission shall prepare and distribute to such public utilities blank forms for any information required under this act. All such reports shall be under oath when required by the commission.

Each such public utility shall keep its books, papers and records accurately and faithfully according to the system of accounts and regulations prescribed by the commission, and shall comply with all reasonable directions and requirements of the commission relating thereto.

(j) Issuance of Securities. Issuance of Guarantee of Securities by the Utility. From and after 120 days after the appointment and qualification of the three commissioners herein provided for, no utility shall issue any securities, notes, bonds, stocks or other evidence of indebtedness, or assume any obligation or liability, as lessor, lessee, guarantor, indorser, surety or otherwise in respect to the securities, notes, bonds, stocks or other evidence of indebtedness, of any other person unless and until, and then only to the extent that, upon application by the utility, and after investigation by the commission of the purposes and uses of the proposed issue and the proceeds thereof, or of the proposed assumption of obligation or liability in respect of the securities, notes, bonds, stocks or other evidence of indebtedness, of any other person, the commission by order authorizes such issue or assumption. The Commission shall make such order only if it finds that such issue or assumption (a) is for some lawful object within the corporate purposes of the utility, (b) is compatible with the public interest, (c) is necessary or appropriate for or consistent with the proper performance by the utility of its service to the public as such utility and will not impair its ability to perform that service and (d) is reasonably necessary and appropriate for such purpose. Any such order of the Commission shall specify that such securities, notes, bonds, stocks or other evidence of indebtedness, or the proceeds thereof, shall be used only for the lawful purposes of such utility.

The Commission shall have power by its order, to grant

or deny the application provided for in the preceding section hereof, as made or to grant it in part or deny it in part, or to grant it with such modification and upon such terms and conditions as the Commission may deem necessary or appropriate in the premises.

Every application for authority for such issue or assumption shall be made in such form as the Commission may prescribe. Every such application and every certificate of notification hereinbefore provided for, shall be made under oath, signed and filed on behalf of the utility by its president, a vice-president, auditor, comptroller, or other executive officer having knowledge of the matters therein set forth and duly designated for that purpose by the utility.

Whenever any securities, notes, bonds, stocks or other evidence of indebtedness set forth and described in any such application for authority or certificate of notification as pledged or held unincumbered in the treasury of the utility, shall, subsequent to the filing of such application or certificate, be sold, pledged, repledged, or otherwise disposed of by the utility, such utility shall, within ten days after such sale, pledge, repledge, or other disposition, file with the Commission a certificate of notification to that effect, setting forth therein all such facts as may be required by the Commission.

Nothing herein shall be construed to imply any guarantee or obligation as to such securities, notes, bonds, stocks or other evidence of indebtedness, on the part of the State of Kentucky.

The provisions of this Act shall not apply to notes issued by a utility for proper purposes and not in violation of law payable at periods of not more than two years from the date thereof, and shall not apply to like notes issued by a utility, payable at a period of not more than two years from date thereof, to pay, retire, discharge, or refund in whole or in part any such note or notes and shall not apply to renewals thereof from time to time not exceeding in the aggregate six years from the date of the issue of the original note or notes now

renewed or refunded. Nothing contained in this Act shall be construed as limiting the power of any court having jurisdiction to authorize or cause receiver's certificates or debentures to be issued according to the rules and practice obtaining in receivership proceedings in courts of equity.

The Commission may require periodical or special reports from each utility hereafter issuing any security, notes, bonds, stocks or other evidence of indebtedness, which shall show in such detail as the Commission may require, the disposition made of such securities, notes, bonds, stocks or other evidence of indebtedness, and the application of the proceeds thereof.

Securities, notes, bonds, stocks or other evidence of indebtedness, issued and obligations and liabilities assumed by a utility, for which under the provisions of this Act, the authorization of the Commission is required, shall not be contrary to any term or condition of such order of authorization entered prior to such issuance or assumption. Securities, notes, bonds, stocks or other evidence of indebtedness, issued or obligations or liabilities assumed in accordance with all the terms and conditions of the order of authorization therefor shall not be affected by a failure to comply with any provision of this Act or rule or regulation of the Commission relating to procedure and other matters preceding the entry of such order of authorization or order supplemental thereto. A copy of any order made and entered by the Commission as in this Act provided (duly certified by the secretary of the Commission) approving the issuance of any securities, notes, bonds, stocks or other evidence of indebtedness, or the assumption of any obligation or liability by a utility, shall, in and of itself, be sufficient evidence, for all purposes, of full and complete compliance by the applicant for such approval with all procedural and other matters required precedent to the entry of such order. Any utility which wilfully issues any such securities, notes, bonds, stocks or other evidence of indebtedness, or assumes any such obligation or liability, or makes any sale or other disposition of securities, notes, bonds, stocks or other evidence of indebtedness, or applies any securities, notes,

bonds, stocks or other evidence of indebtedness or the proceeds thereof to purposes other than the purposes specified in an order of the Commission with respect thereto, contrary to the provisions of this Act, shall be liable to a penalty of not more than ten thousand ($10,000) dollars, but such utility is only required to specify in general terms the purpose for which any securities, notes, bonds, stocks or other evidence of indebtedness, are to be issued, or for which any obligation or liability is to be assumed and the order of the Commission with respect thereto shall likewise be in general terms. The wilful act of any officer, agent or employee of a utility, acting within the scope of his official duties or employment, shall for the purpose of this section be deemed to be the wilful act of the utility. Actions to recover penalties under this Act shall be brought in the name of the State of Kentucky in any court of competent jurisdiction therein. Whenever any utility is subject to a penalty under this Act the Commission shall certify the facts to the Attorney General, who shall institute and prosecute an action for the recovery of such penalty, provided the Commission may compromise such action and dismiss the same on such terms as the court will approve. All penalties recovered by the State in such action, shall be paid into the State treasury to the credit of the general fund. All applications for the issuance of securities, notes, bonds, stocks or other evidence of indebtedness or assumption of liability or obligations shall be placed at the head of the Commission's docket and disposed of promptly, and all such applications shall be disposed of in sixty days after the same are filed with the Commission, unless it is necessary for good cause to continue the same for a longer period for consideration. Whenever such application is continued beyond sixty days after the time it is filed, the order making such continuance must state fully the facts necessitating such continuance.

(k) Certificate of Necessity and Convenience for Extensions. No plant, property, or facility for the production, transmission, delivery, or furnishing of gas, electricity, water, telephone, or telegraph shall be constructed except ordinary extensions or existing systems in the usual course of business, until written application is made to the Commission for the

issuance of a certificate of convenience and necessity and the issuance by the Commission of such certificate. Upon filing of any such application, and after a public hearing of all parties interested, the Commission may, in its discretion, issue, or refuse to issue, such a certificate of convenience and necessity and, if issued, may prescribe such conditions upon the issuance as it may deem advisable.

Unless exercised within a period designated by the Commission, but not exceeding four months from the grant thereof, exclusive of any delay due to the order of any court, or to failure to obtain any grant or consent, authority conferred by a certificate of convenience and necessity issued by the Commission shall be null and void; but the beginning of the construction of the line, system of works of such utility, in good faith, within the time prescribed by the Commission, and the prosecution of the same with reasonable diligence, shall constitute a compliance with such certificate. Any person or group of persons may come before the Commission and by petition ask that any utility, as defined under sec. 4 (d) of this act, be compelled to make any reasonable extensions, and the Commission shall proceed to hear and determine the reasonableness of such an extension, in the manner prescribed in this act.

(l) Test of Appliances. The Commission shall have power to provide for the examination on test of any appliance used for the measuring of any product or service of the public utility as herein defined, and by its agents or examiners to enter upon any premises occupied by any public utility as herein defined for the purpose of making the examinations and tests provided for in this Act.

To fix the fees to be paid by any consumer or user of any product or service of any public utility as herein defined, who may apply to said commission for such examination or test to be made, and consumer or user may have any such appliances tested upon the payment of the fees fixed by the commission, which fees shall be repaid to the consumer or user if the appliance be found defective or incorrect to the disadvantage

of user, and in that event such fees shall be paid by the public utility concern. All fees collected shall be paid into the State Treasury and credited to the Public Utility account.

(m) Authority of the Commission to Change Contract Rates. The Commission shall have power, under the provisions of this Act, to enforce, originate, establish, change and promulgate any rate, rates, joint rates, charges, tolls, schedules or service standards of any public utility, subject to the provisions of this Act, that are now fixed, or may in the future be fixed, by any contract, franchise or otherwise, between any municipality and any such public utility, and all rights, privileges and obligations arising out of any such contracts and agreements regulating any such rates, charges, schedules or service standards shall be subject to the jurisdiction and supervision of the Commission; provided, however, that no such rate, charge, schedule or service standard shall be changed, nor any contract or agreement affecting same shall be abrogated or changed until and after a hearing has been had before the Commission in the manner prescribed in this act.

Nothing in this section or elsewhere in this act contained is intended or shall be construed to limit or restrict the police jurisdiction, contract rights, or powers of municipalities or political subdivisions, except as to the regulation of rates and service, exclusive jurisdiction over which is lodged in the Public Service Commission.

(n) Regulation of Rates and Service by Municipal Contract. Rates and service regulations may hereafter be established by contracts between a municipality and utility for a specified term not exceeding twenty (20) years, but only by and with the approval of the Commission to be expressed by its order. Utilities may contract with each other and with persons who are not utilities in respect of the use of their properties and facilities, the sale or exchange of water, gas, electricity, or other products or commodities, otherwise than pursuant to established rates, the distribution to the public of such products and commodities jointly or singly, and the territory within which such joint or single service shall be ren-

dered and other matters deemed to be of mutual advantage, subject, however, in all such cases to the approval of the Commission, but provided that no person shall participate in such distribution who is not a utility. Whenever any such contract shall be made it shall before becoming effective, be submitted to the Commission. If the Commission shall find the provisions of any such contract consistent with the public interest it shall approve the same. Otherwise it shall disapprove the same, and unless and until so approved, such contract shall be of no effect, but if it be approved it shall in all respect be lawful. Whenever a utility provides for itself by contract, as above provided, a source of supply of any product or commodity which it would otherwise be under the duty to generate or manufacture, it shall, to such extent as the Commission may order, be excused from the construction or maintenance of plants, facilities and equipment necessary for such generation or manufacture, provided, however, that fraud or collusion by either party shall invalidate the contract, no matter how long in force and give the Commission power to fix the rates.

§ 6. (a) All rights, powers, and duties devolved upon, now vested in and exercisable, or which may in the future be exercisable by the Department of Motor Transportation under the Constitution or laws of the Commonwealth of Kentucky, and more specifically the powers and duties imposed by Chapter 112 of the Acts of 1926, compiled as Section 2739j 1-41, inclusive, of Carroll's Kentucky Statutes, 1930 edition, and by Chapter 109 of the Acts of 1928, compiled as Sections 2739k 1 and 2 of Carroll's Kentucky Statutes, 1930 edition, and by Chapter 78 of the Acts of 1930, compiled as Section 2739l 1-8, inclusive, of the 1931 Supplment of Carroll's Kentucky Statutes, 1930 edition, upon the said Department of Motor Transportation in reference to the control, regulation and supervision of Motor Transportation of persons or property for hire upon the public highways of Kentucky are hereby transferred to and vested in the Public Service Commission created by this act, to be exercised and performed by it upon the following conditions: (1) The Commissioner of Motor Transportation as now provided for by Section

2739j-36 of Carroll's Kentucky Statutes, 1930 edition, shall have the title of Deputy Commissioner of the Public Service Commission, and shall be appointed by the Governor for the term and at the salary now provided for by said Section 2739j-36. Said Deputy Commissioner shall have charge of the division of Motor Transportation hereby made a part of the Public Service Commission, and shall have control and supervision of all motor vehicles as defined in Section 4 (d) of this act; provided, however, that such powers and duties of the said Deputy Commissioner shall ever be subject to the supervision and control of the Public Service Commission; (2) the fees to be paid for the control, supervision and regulation of such motor vehicles as defined in Section 4 (d) of this act shall be paid in the same manner as now provided by law, and shall be used only for the maintenance of the division of motor transportation; provided, however, the division of Motor Transportation shall pay its proportionate part of the expense incurred in the payment of the salaries of the three commissioners and the attorney for the said commission, and for this purpose such proportionate amount, to be determined by the Commission, for the payment of such salaries shall each year be transferred from the account of the division of Motor Transportation into the account of the Public Service Commission; (3) the Commission shall have authority, upon the approval of the Governor, to appoint such assistants for the division of Motor Transportation as are now provided for by law, and such assistance shall be paid the salary now provided by law.

(b) Upon the filing of any application or complaint before the Deputy Commissioner herein provided for, he shall present same to the Commission, who shall determine whether or not, in its discretion, a hearing upon said complaint shall be held before the entire Commission or any commissioner thereof, or before the Deputy Commissioner, and such hearing shall be conducted in the manner so prescribed by the Commission. Every order of any Commissioner or of the Deputy Commissioner shall be a final order when confirmed and certified by the Commissioner.

(c) Whenever the words "Commissioner of Motor Transportation", or words denoting that officer, appear in those sections of the statute heretofore referred to, the same shall be construed to mean the Public Service Commission. All existing provisions not inconsistent with the provisions of this act in relation to the supervision, regulation, and control of motor transportation of persons for hire over the public highways, are continued in force.

§ 7. Transfer of Powers to Public Service Commission. All rights, powers and duties devolved upon, now vested in, and exercisable by the Railroad Commission by the Constitution and laws of the Commonwealth of Kentucky, other than such as relate to steam railroads, and, more specifically, the powers and duties imposed by Chapter 61 of the Acts of 1920, now compiled as Sections 201e 1-26, inclusive, Carroll's Kentucky Statutes, 1930 edition, and by Chapter 102 of the Acts of the General Assembly of 1922, now compiled as Sections 201g 1-20, inclusive, Carroll's Kentucky Statutes, 1930 edition, upon the Railroad Commission in reference to express companies, telegraph companies, telephone companies, natural gas companies and natural gas transportation companies, are hereby transferred to and vested in the Public Service Commission, created by this act to be exercised or performed by it. Whenever the words "railroad commission" or other words denoting the commission, in so far as the same relate to any of the public utilities mentioned in this section, appear in either of the statutes referred to in this section, the same shall be construed to mean the Public Service Commission, which shall have and exercise the same measure of jurisdiction as that previously vested in the Railroad Commission.

All laws or parts of laws, or provisions of the Constitution, in relation to the Railroad Commission and the subject matter of jurisdiction thereof, heretofore existing and not inconsistent with this act, shall be continued in force as under the jurisdiction of the Public Service Commission hereby created.

The Railroad Commission shall transfer and deliver to the Public Service Commission all books, maps, papers, files and records, of whatever nature or description, relating to any of the public utilities other than steam railroads.

§ 8. Duties and Privileges of the Public Utilities Subject to the Regulation of the Commission.

(a) Rates. Every rate demanded or received by any public utility, or by any two or more public utilities jointly, shall be just and reasonable.

(b) Service. Every public utility shall furnish adequate, efficient, and reasonable service.

(c) Schedules. Under such rules and regulations as the Commission may prescribe, or that may be prescribed under this act, every public utility shall file with the Commission, within such time and in such form as the Commission may designate, schedules showing all rates established by and collected or enforced. The public utility shall keep copies of such schedules open to public inspection under such rules and regulations as the Commission may prescribe.

(d) Adherence to Schedule. No public utility shall directly or indirectly, by any device whatsoever or in any wise, charge, demand, collect or receive from any person a greater or less compensation for any service rendered or to be rendered by such public utility than that prescribed in the schedule, or schedules, of such public utility, applicable thereto then filed in the manner prescribed in this act, or under such rules and regulations as the Commission may prescribe, nor shall any person receive or accept any service from a public utility for a compensation greater or less than that prescribed in such schedules.

(e) Discrimination. No public utility shall as to rates or service make or grant any unreasonable preference or advantage to any corporation or person or subject any corpora-

tion or person to any unreasonable prejudice or disadvantage. No public utility shall establish or maintain any unreasonable difference as to rates or service either as between localities or as between classes of service for doing a like or contemporaneous service under the same or substantially the same conditions. The Commission may determine any question of fact arising under this section.

§ 9. Assessment for Maintaining Commission and How Appropriated. (a) For the purpose of maintaining the Public Service Commission hereby established, including the payment of salaries, traveling expenses, printing, rent, light, heat, water, telephone, and all other overhead expenses and the expense of regulation and supervision by it of the utilities enumerated in Section 4 (d) of this act, each of said utilities on or before July 1, 1932, and on or before July 1, 1933, shall pay to the State Treasurer of the Commonwealth of Kentucky a sum equal to one twenty-fifth of one per centum of the total value that has been assessed against such public utility for the year 1931.

(b) On or before July 1st of each year thereafter such expense of maintaining said commission shall be apportioned among and assessed upon said utilities by the commission in proportion to the intra gross earnings or receipts of such utilities for the next preceding calendar year in which the assessments are made, providing, however, that the total amount so assessed shall not in any year exceed sixty thousand dollars. All inspection fees shall be paid to the Treasurer of the Commonwealth of Kentucky on or before the first day of July, 1934, and on or before the first day of July of each year thereafter.

(c) In no event, however, shall the sum to be paid by any such utility for the maintenance of the commission be less than twenty-five dollars in any one year.

(d) In respect to the assessment provided for in paragraph (b) of this section the commission shall on or before July 1, 1934, and on or before July 1st of each succeeding year

thereafter certify to the auditor of State the amount of such assessment apportioned by it to each of said utilities and he shall certify such amount to the treasurer of the State, who shall collect and pay the same into the State treasury to the credit of a special fund for the maintenance of such public service commission.

(e) To ascertain the amount of the assessment provided for in paragraph (b) of this section, each of said utilities shall on or before March 1, 1934, and on or before March 1st of each succeeding year thereafter file with the commission a report of its intra-gross earnings or receipts for the preceding calendar years, and within sixty days, after the final date for such filing, the commission shall notify each of said utilities of the sum assessed against and to be paid by it hereinbefore provided.

(f) Should any amount of the sums paid by such utilities for the maintenance of the commission remain unexpended in the treasury at the end of any fiscal year, such amount so unexpended shall be applied pro rata on the same basis that the amounts of such payments were determined in said year, in the reduction of the payment to be made by such public utility for the next ensuing fiscal year for the maintenance of the commission.

(g) All expenses incurred in the administration of this act shall be paid out of the public utility account in the treasury on the Auditor's warrant for the payment of bills itemized and certified as correct by the Secretary of the Commission.

(h) Any such utility failing to make payment as herein provided for the maintenance of said commission shall forfeit and pay to the State one thousand dollars, and twenty-five dollars for each day such utility refuses, neglects or fails to make such payment, which forfeiture shall not release such utility from the payment of such assessment.

§ 10. Penalties. Every officer, agent, employee or stock-

holder of any public utility as enumerated in section 4 (d) hereof, or other person who shall wilfully violate any provision of this act, or who procures, aids or abets any violation of this act by any such public utility shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than one thousand ($1,000.00) dollars, or be confined in jail not more than six (6) months, or both; and if any such public utility shall be a private corporation and shall violate any of the provisions of this act, or shall do any act herein prohibited, or shall fail and refuse to perform any duty imposed upon it under this act for which no penalty has been provided by law, or shall fail, neglect or refuse to obey any lawful requirement or order made by the commission, for every such violation, failure or refusal such public utility shall forfeit and pay into the treasury a sum not less than twenty-five ($25.00) dollars, nor more than one thousand ($1,000.00) dollars, for each such offense, said sum or sums to be credited by the State Treasurer to the public utilities account as hereinafter provided for. In construing and enforcing the provisions of this section the act, omission or failure of any officer, agent or other person acting for or employed by any public utility acting within the scope of his employment shall in every case be deemed to be the act, omission or failure of such public utility.

§ 11. Court Review. (a) Any public utility and any person or corporation in interest being dissatisfied with any order of the commission fixing any rate or rates, tolls, fares, charges, schedules, joint rates or rates, or any order fixing any regulations, practices, acts or service may commence an action in the circuit court for Franklin County against the commission as defendant to vacate and set aside any such order on the ground that the rate or rates, tolls, fares, charges, schedule, joint rate or rates fixed in such order are unlawful, or that any such regulation, practice, act or service fixed in such order is unreasonable or unlawful, in which action a true copy of the petition shall be served upon the commission or its secretary, together with the summons.

(b) The answer of the commission to the petition shall

be served and filed within ten days after service of the complaint, whereupon said action shall be at issue and stand ready for trial upon ten days' notice to either party, on the equity side of the docket of the Franklin Circuit Court. It shall not be necessary in the answer to deny verbatim the allegations of the petition, but a general denial thereof on behalf of the Commission may be sufficient.

(c) Any person not a party to the action but having an interest in the subject thereof, may apply to the Franklin Circuit Court to be made a party and the court in its discretion shall thereupon order him to be brought in by intervening petition and upon the trial of the case and upon the judgment entered the court shall have power to make an independent investigation upon the law and the facts and shall not in respect thereto be bound by any of the findings or orders of the public service commission in regard to any matter or thing set forth in the petition.

(d) Every proceeding, action or suit to set aside, vacate or amend any determination or order of the commission, or to enjoin the enforcement thereof, or to defend in any way such order or determination from becoming effective, shall be commenced and every appeal to the courts shall be taken or exercised within ninety days after the entry or rendition of such order or determination, and the right to commence any such action, proceeding or suit or to take or exercise any such appeal or right of recourse to the courts shall terminate absolutely at the end of such ninety days after the entry or rendition of such order or determination of the public service commission.

(e) No injunction shall issue in any proceeding, action or suit mentioned in this section suspending or setting aside any order of the commission, except upon application to the Circuit Court or the presiding Judge thereof, and notice to the Commission and any party interpleading and hearing; and no injunction shall issue in any other proceeding, action or suit in any court which shall have the effect of delaying or preventing any order of the Commission from becoming effec-

tive, unless the parties to the proceeding before the commission in which such order was made are also parties to such proceeding, action or suit in such court, or shall have been brought in and made parties as provided by the civil code of procedure, or in such manner as the court or presiding judge thereof shall by order direct.

(f) No injunction shall issue in any such proceeding, action or suit suspending or setting aside any order of the commission or having the effect of delaying or preventing any order of the commission from becoming effective, unless an undertaking shall be entered into on the part of the plaintiff, together with good and sufficient surety in such sum as the court or presiding judge thereof shall direct to the effect that the plaintiff will pay for damages which the opposite party may have sustained by the delay or prevention of the order of the commission becoming effective, and to such further effect as such judge or court shall in discretion direct, and no order or judgment in any such proceeding, action or suit shall be stayed on appeal therefrom unless a like undertaking be entered into by the appellant.

(g) New Evidence. If upon trial of such action evidence shall be introduced by the plaintiff which is found by the court to be different from that offered upon the hearing before the commission or its authorized agent, or additional thereto, the court, before proceeding to render judgment, unless the parties to such action stipulate in writing to the contrary, shall transmit a copy of such evidence to the commission and shall set further proceedings in said action for fifteen days from the date of such transmission.

Upon the receipt of such evidence the commission shall consider the same and may alter, modify, amend or rescind its order relating to such rate or rates, tolls, charges, schedules, joint rate or rates, regulations, practice, act or service complained of in said action and shall report its action thereon to said court within ten days from the receipt of such evidence.

If the commission shall rescind its order complained of,

the action shall be dismissed; if it shall alter, modify or amend the same, such altered, modified or amended order shall take the place of the original order complained of. Any party to the action aggrieved by such altered, modified or amended order may complain of same by an amended pleading, and the Court shall thereupon consider the cause on the new issue so made and proceed to render judgment on such altered, modified or amended order as though made by the Commission in the first instance. And judgment shall be rendered thereon as though made by the commission in its first instance.

If the original order shall not be rescinded or changed by the commission, judgment shall be rendered upon such original order.

(h) Burden of Proof. In all trials, actions or proceedings, arising under the provisions of this act or growing out of the exercise of the authority or powers granted hereunto the commission, the burden of proof shall be to the party adverse to the public service commission seeking to set aside any determination, requirement, direction or order of said commission, to show by clear and satisfactory evidence that the determination, requirement, direction or order of the commission complained of is unreasonable or unlawful.

(i) Appeal to the Court of Appeals. Either party to said action within sixty days after entry of the order of judgment of the Circuit Court may appeal to the Court of Appeals of Kentucky, and such appeal upon the filing thereof in the office of the Clerk of the Court of Appeals shall be docketed and advanced in similar manner as Commonwealth cases.

§ 12. Construction of Act. All laws or parts of laws in conflict with the provision of this Act are hereby repealed. Each section of this act is hereby declared to be separate and independent of every other section thereof, and if for any reason any section or provision of this act shall be held to be unconstitutional or invalid, no other section or provision of this act shall be affected thereby, as the remaining parts of the act would have been passed by the General Assembly if

such unconstitutional or invalid section or provision, if any, had been stricken out before the passage of this act by the General Assembly.

Senator Moore proposed the following amendment to said bill:

Amend Substitute for Senate Bill 212 as follows:

Subsection D of Section 5 on page 14 at line 6, strike therefrom the word "changes", and insert in lieu therefor the word "charges" subsection J of Section 5, page 20 at line 25, strike therefrom the word "section" and insert in lieu therefor the word "paragraph"; subsection one of Section 5, on page 24 at line 2, strike therefrom the word "on" and insert in lieu therefor the word "or", subsection B of Section 6 on page 28, at line 8 strike therefrom the word "certified" and insert in lieu therefor the word "ratified"; Subsection B of section 6 on page 28 at line 9 strike therefrom the word "Commissioner" and insert in lieu therefor the word "commission"; subsection C of section 6 on page 28 at line 6 insert after the words "of person" and before the words "for hire" the words "or property" so it shall read "of persons or property for hire"; section 7 on page 28 at line 11, strike therefrom the words "telephone Company" so as to avoid duplication; subsection A of Section 9 page 30 at line 6 insert after the words "of this act" and before the words "each of Said utilities" the words "with the exception of motor vehicles as otherwise provided in this act" so as to read "of this, with the exception of motor vehicles as otherwise provided in this act, each of said utilities" subsection E of section 9 on page 31 line 5 strike therefrom the word "Years" and insert in lieu therefor the word "year"; subsection E of section 9 page 31 at line 7 insert after the word "it" the word "as"; section 12 page 36 at line 9 insert following the words "General Assembly," the following paragraph, "It is hereby declared to be the purpose and intent of this act, by and through the instrumentality of the Public Service Commission herein created, to assert and maintain the sovereign power of the

Commonwealth of Kentucky to supervise, regulate and control the service and rate charges of the public utilities herein designated and defined, within limits imposed by the Constitution of the Commonwealth of Kentucky and by the Constitution and laws of the United States."

Senator Moore moved the adoption of said amendment.

The question being taken thereon was decided in the affirmative.

Therefore said amendment was adopted.

Senator Mehler proposed the following amendment.

Add the following paragraph, on page 28, after section 6-c, if in any city of the first class there now exists or shall hereafter be created a board, body or officer having jurisdiction of matters pertaining to Street Railway, Taxi Cabs, Gas, Electricity and Telephone which operates exclusively in such city of the first class, such Board, body or officer shall have and may exercise such power, jurisdiction and authority to supervise and regulate such utilities; however, in no event shall such rules and regulations and supervision be any different from those prescribed by the Railroad Commission for cities other than cities of the first class.

S. B. 212. Senator Moore moved that said bill be recommitted to the Committee on Rules.

The question being taken thereon, was decided in the affirmative.

Said bill was recommitted.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 384. An Act to amend and re-enact Section one thousand and ninety-three of the Kentucky Statutes, Carroll's

nineteen hundred and thirty edition, being an act consigning and prescribing the jurisdiction of justices and quarterly courts in the judges of the police courts in cities of the first, second, third, fourth, fifth, and sixth classes in this Commonwealth and penal and misdemeanor cases.

Senator Holloway moved that said bill be recommitted to the Committee on Rules.

The question being taken thereon, was decided in the affirmative.

Said bill was recommitted.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 369. An Act to amend and re-enact Section 1093 of the Kentucky Statutes, Carroll's Edition 1930, relating to the jurisdiction of Justices and Quarterly Courts, in penal actions, and giving said Justices and Quarterly Courts and the Judges thereof jurisdiction concurrent with Circuit Courts of the offenses of petit larceny.

S. B. 369. Senator Stewart moved that said bill be recommitted to the Committee on Rules.

The question being taken thereon, was decided in the affirmative.

Said bill was recommitted.

The Senate took up for consideration from the Orders of the Day a bill of the following title:

S. B. 412. An Act to amend and re-enact Section 3354 of Kentucky Statutes relating to police judges in cities of the third class.

Senator Gates F. Young moved that said bill be recommitted to the Committee on Rules.

The question being taken thereon, was decided in the affirmative.

Said bill was recommitted.

The Senate took up for consideration from the Orders of the Day a bill of the following title:

S. B. 176. An Act to repeal Chapter 36 of the Acts of the General Assembly of the Commonwealth of Kentucky of one thousand nine hundred and thirty entitled "An Act relating to education in this Commonwealth and appropriating money from the general fund of the treasury of the Commonwealth to be used for education purposes in connection with the public school system of this Commonwealth and conferring authority and power upon the State Board of Education to supervise and administer the expenditure of money so appropriated, defining the purpose for which the money so appropriated shall be used, and providing conditions upon which it shall be received; and generally to provide for a more efficient system of public schools in this Commonwealth.

Senator Gaines moved that said bill be recommitted to the Committee on Rules.

The question being taken thereon, was decided in the affirmative.

Said bill was recommitted.

The Senate took up for consideration from the Orders of the Day a bill of the following title:

S. B. 203. An Act to provide for the manufacture of chairs, tables, desks, stools, seats and benches by the inmates of the penal institutions of the State of Kentucky and making an appropriation therefor.

Senator Williams proposed the following amendment to said bill:

Amend Senate Bill No. 203 by striking from Section 1, line 2, of the printed bill the words "hereby authorized and directed" and substituting therefor the word "may."

Senator Williams moved that said amendment be adopted.

The question being taken thereon, was decided in the affirmative.

Said amendment was adopted.

Senator Williams moved that said bill be recommitted to the Committee on Rules.

The question being taken thereon, was decided in the affirmative.

Said bill was recommitted.

The Senate took up for consideration from the Orders of the Day a bill which originated in the House of Representatives of the following title:

H. B. 615. An Act repealing and re-enacting Sections 2711a-1 to 2711a-127, inclusive, and Sections 2711a-129 to 2711a-141, inclusive, of Chapter 86 of Baldwin's 1930 Supplement to the Kentucky Statutes, Carroll's 1922 Edition, same being an Act providing for the organization, armament, discipline and government of the militia and National Guard of Kentucky; providing for a Military Department of Kentucky; providing for the proper officer and other employees of said Department; same being intended to repeal and re-enact all of the present laws of Kentucky relating to the militia and National Guard except Section 2711a-128 of Baldwin's 1930 Supplement to the Kentucky Statutes, Carroll's 1922 Edition, which section is specifically exempted from the effect of the repeal and re-enactment herein provided for.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That Sections 2711a-1 to 2711a-127, inclusive, and Sections 2711a-129 to 2711a-141, inclusive, of Chapter 86 of Baldwin's 1930 Supplement to the Kentucky Statutes, Carroll's 1922 Edition, be and the same are hereby repealed and re-enacted so that said laws when re-enacted shall read as follows:

§ 1. There is hereby created a department of the State government to be known as the "Military Department of Kentucky," which department shall have charge of and shall be responsible to the Governor for the proper functioning of the National Guard, the militia and all other military or naval matters of the Commonwealth. The Adjutant General, who shall be appointed by the Governor, shall be executive officer of this Department, and shall be responsible to the Governor for the proper carrying into effect of all laws, rules and regulations of the United States Government and of the State of Kentucky affecting the National Guard, the organized militia or other military organizations properly established by law.

§ 2. The Governor of the State, by virtue of his office, shall be the Commander-in-Chief of the militia of the State, except of such portions as may be at times in the service of the United States; but he shall not command personally in the field unless advised so to do by a resolution of the General Assembly.

§ 3. The Staff of the Commander-in-Chief shall consist of an administrative and a personal staff. The administrative staff shall consist of an Adjutant General of the grade of Brigadier General, and of such other officers of the Kentucky National Guard as may be detailed by the Governor, of the grade prescribed by the War Department of the United States for the administrative staff for the State of Kentucky. The personal staff shall consist of not more than four aides-de-camp, detailed from the commissioned officers of the Na-

tional Guard in active service from those of the grades below that of Colonel. Such detail shall not add to the grade of the officer so appointed. The officers detailed as aides-de-camp shall not be relieved from duty with their respective organizations, but shall perform all duties pertaining thereto, except when on duty as aides-de-camp under orders of the Governor. The staff shall be appointed by the Governor and shall hold office during his pleasure or during the term for which he was elected.

§ 4. The militia of the State shall consist of all able-bodied male citizens, and all other able-bodied males who have or shall have declared their intention to become citizens of the United States, between the ages of 18 and 45, who are residents of the State, and of such other persons as may upon their own application be enlisted or commissioned therein pursuant to the provisions of the law, subject, however, to such exemptions as are now or may be hereafter created by the laws of the United States. The militia of this State shall be divided into two classes:

(a) The organized militia to be known as the Kentucky National Guard.

(b) The reserve militia, consisting of all other persons liable to military service.

§ 5. The officers, judicial and executive, of all the departments of the State of Kentucky and of the United States, without regard to age, shall be exempt from duty in the militia, and all persons who because of religious belief shall claim exemption from military service, when the conscientious holding by such persons shall be established under such regulations as the Governor shall prescribe, shall be exempt from military service in a combatant capacity, but no person so exempted shall be exempt from military service in any capacity that the Governor shall declare to be non-combatant.

§ 6. When the Governor, by public proclamation, so commands, it shall be the duty of each County Clerk to enroll the

names of all persons liable to duty in the militia and by such times as the said proclamation may prescribe, and to transmit said rolls to the Adjutant General of the State.

When such service is required of the County Clerk, he shall be allowed one cent (1c) for each name returned by him, to be paid out of the State treasury, and if the County Clerk neglects or refuses to render such service when so required, he shall be subject to a fine of not more than five hundred dollars ($500.00) and not less than one hundred dollars ($100.00).

§ 7. The officer making the enrollment shall, at the time of making same, serve a notice of such enrollment upon each person enrolled by delivering such notice to him or leaving it with some person of suitable age and discretion at his place of residence. All persons claiming exemption must, within fifteen days after receiving such notice, file a written statement of such exemption, verified by affidavit, in the office of the county clerk. Such clerk shall thereupon, if such person be exempted according to law, mark the word "exempt" opposite his name; and the remainder of all thus enrolled and not found thus to be exempt shall constitute the reserve militia of the State, and such county clerk shall transmit a copy of such corrected roll to the Adjutant General of the State. The commanding officer of each organization in the National Guard and the heads of each fire and police department in each city or town shall, whenever an enrollment is ordered shall file in the office of such county clerk a certified list of the names of all persons in his command or department.

§ 8. The Governor shall have power, in case of insurrection of the reserve militia for active duty in case of insurrection, invasion, tumult, riot or breach of the peace, or imminent danger thereof, to order into the active service of the State any part of the militia that he may deem proper. When the militia of this State, or a part thereof, is called forth under the Constitution and laws of the United States, the Governor shall order out for service the Kentucky National Guard, or

such part thereof as may be necessary and, if the number available be insufficient, he shall order out the reserve militia or such part as may be necessary.

§ 9. Whenever it shall be necessary to call out any portion, invasion, tumult, riot or breach of the peace, or imminent danger thereof, or when called forth for service under the Constitution and laws of the United States, the Governor may call for and accept as many volunteers as are required for such service, or he may by public proclamation summon all or any number of them to be assembled by the sheriff at any point or points within the county or respective counties as may be designated by the proclamation, and thereupon the sheriff, on penalty of a fine of one thousand dollars ($1,000.00) for refusal or neglect, shall summon the members of the reserve militia within his county as he would summon a civil posse, and under similar penalties against those who fail to obey his summons. But should the Governor's proclamation call for only a part of the reserve militia of any county, the sheriff may first call for volunteers therefore and, if that should appear to be inexpedient, he shall summon the members of the reserve militia to be assembled in their magisterial districts and there determine, under the supervision and control of a justice of the peace, by lot, those who shall be selected to fill the quota of that magisterial district. The reserve militia so called into service shall become subject to the same laws and regulations as members of the Kentucky National Guard.

§ 10. The Governor shall immediately upon his induction into office appoint an Adjutant General, who shall be selected from among the Federally recognized officers of the Kentucky National Guard and who shall have had active service on the active list of officers of the Kentucky National Guard for five years next preceding the date of his appointment in at least the rank and grade of Captain. Said Adjutant General at the time of his appointment shall be not less than forty years of age. The officer so selected as Adjutant General shall by Executive Orders of the Governor be ordered and placed on active duty, and in the event said appointee does not already

hold the commission of Brigadier General of the Kentucky National Guard, he shall be given temporary rank as Brigadier General of the Kentucky National Guard and shall be so commissioned by the Governor. In the event that the commission is only temporary, said commission shall automatically be vacated when said appointee shall be relieved from duty as Adjutant General or at the expiration of the term of the Governor making the appointment. The office of Adjutant General shall not be incompatible with or serve to vacate the commission in the Kentucky National Guard held by the officer appointed Adjutant General at the time of his appointment, nor shall it be incompatible with any office to which he might be promoted, nor shall it interfere with or prevent his attending to the duties of the office held at the time or to which he may be thereafter promoted.

§ 11. The Adjutant General of the State shall perform the duties prescribed for him by the laws and regulations now or hereafter issued thereunder by the United States or the State of Kentucky, now or hereafter enacted. He shall direct and supervise the functions and duties of the chiefs of staff departments. He shall supervise all troops and all departments, arms and branches of the Kentucky National Guard. Such supervisory power covers primarily duties pertaining to command, discipline, training and recruiting of the National Guard, military operations, distribution of troops, inspections, armament, military education and instruction and kindred matters connected with the fiscal administration and supply of the National Guard when not in the service of the United States. The Adjutant General shall

(a) Superintend the preparation of all returns and reports required by the United States from the State.

(b) He shall keep a register of all the officers of the National Guard of the State, and keep in his office all records and papers required to be kept and filed therein and make a report to the Governor for the annual period ending on June 30 of each year of the operations and condition of the Adju-

tant General's office, the State Arsenal and the National Guard.

(c) He shall cause to be prepared and issued all necessary blank books, forms and notices required to carry into full effect the provisions of this law. All such books and blanks shall remain the property of the State.

(d) He shall attend to the safe keeping and repairing of the ordinance, arms, accoutrements, equipments, and all other military property belonging to the State or issued to it by the United States. All military property of the State, which after a proper inspection shall be found unsuitable for use of the State, shall under the direction of the Governor be disposed of by the Adjutant General at public auction or by inviting bids after suitable advertisement of sale daily for ten days in at least one newspaper published in the city or county where the sale is to take place, or the same may be sold at private sale when so ordered by the Governor, or may, with the approval of the Governor, be turned over to any other department, board or commission of the State government by which it can be used. He shall from time to time render a just and true account of the sales made by him to the Governor and shall turn the proceeds of same into the General Fund of the State.

(e) He shall keep a just and true account of all expenses necessarily incurred, including pay of officers and enlisted men, allowances to officers and organizations, and of any other moneys required to be disbursed by him and through his office, including subsistence and transportation of the National Guard and of all military property of the State and of the United States.

(f) He shall issue such military property as the Governor shall direct and under his direction make purchases for that purpose. No military property shall be issued to persons or organizations other than those belonging to the National Guard, except to such portion of the reserve militia as may be called out by the Governor. Purchases of property not ex-

ceeding five hundred dollars ($500.00) in value and purchases from the Federal government shall be made in such manner as the Adjutant General of the State shall direct. If such purchase requires an expenditure exceeding five hundred ($500.00) dollars and not exceeding one thousand dollars ($1,000.00), the Adjutant General of the State shall procure written proposals to furnish such property from the lowest responsible bidder. If such purchase shall require the expenditure of a sum exceeding one thousand dollars ($1,000.-00), he shall publicly advertise, for not less than ten days, for sealed proposals for furnishing such property; such proposals to be publicly opened by the Adjutant General of the State at the place, day and hour designated in such advertisement. The Adjutant General shall, if the Governor approves, make contract with the lowest responsible bidder to furnish such property. All proposals and contracts made under the authority hereby conferred shall be filed in the office of the Adjutant General of the State. The Adjutant General is authorized and directed, whenever in his opinion it shall be to the interest of the State, to require a party who shall agree or contract to furnish such property to give bond to the Commonwealth of Kentucky in such sum and with such surety as he shall direct, conditioned for the faithful performance of such agreement or contract. In case of default such bond shall be prosecuted by the Attorney General and all moneys recovered shall be paid by the Adjutant General of the State into the general fund of the State. All property purchased under the authority hereby granted shall be inspected by an inspector or officer detailed for that purpose, and no payment shall be made therefor until it shall appear by the certificate of such officer that such property is of the kind and quality specified in such agreement or contract. In case of insurrection, invasion, tumult, riot, breaches of the peace or imminent danger thereof, the Governor may, upon the recommendation of the Adjutant General, temporarily suspend the operation of this paragraph and direct the Adjutant General of the State to purchase such military property as may be required in open market. He shall report such action, with the reasons therefor and a statement of the property purchased and the

price therefor to the General Assembly at its next session.

(g) The Adjutant General shall establish and maintain as part of his office a bureau of war records in which all records pertaining to wars and relics shall be kept. He shall be custodian of all such records, relics, colors, standards and battle flags now the property of the State, or in its possession, or which the State may hereafter procure or become possessed of.

(h) In the absence or inability to perform the duties of the Adjutant General, he may designate by special order an officer to perform those duties temporarily or, if no officer is so designated, the senior officer on duty in the Adjutant General's office shall perform the duties prescribed for the Adjutant General.

(i) He shall organize units of the National Guard at such places as the Governor shall designate and have the members thereof mustered into service under such regulations as the Governor shall prescribe.

§ 12. All accounts and claims of every character and description against the Military Department shall be carefully audited by the Adjutant General, and all vouchers for expenditures shall first be authenticated and approved by the Adjutant General before same are allowed by the Auditor. In the event the Adjutant General shall be absent from the State for as much as fifteen days, or shall be otherwise incapacitated for the same period of time to properly audit and approve said vouchers, then said vouchers may be allowed by the Auditor after same have been properly audited and approved by an officer serving in the Military Department, who has been properly designated by Special Order to act for and on behalf of the Adjutant General during his absence or other incapacity.

§ 13. The Governor may also appoint, in his discretion, an Assistant Adjutant General from among the officers of the Kentucky National Guard. Said appointee at the time of his

appointment shall be at least thirty years of age and shall have had active service as an officer on the active list of officers of the Kentucky National Guard for not less than five years next preceding the date of his appointment. Said five years service shall be in at least the grade of First Lieutenant. The officer so selected by the Governor as Assistant Adjutant General shall by Executive Order be placed upon active duty, and in the event said appointee does not already hold the commission of Major of the Kentucky National Guard, he shall be given temporary rank as Major of the Kentucky National Guard and shall be so commissioned by the Governor. In the event the commission is only temporary, said commission shall automatically be vacated when said appointee shall be relieved from duty as Assistant Adjutant General or at the expiration of the term of the Governor making the appointment. The office of Assistant Adjutant General shall not be incompatible with or serve to vacate the commission held by the officer appointed Assistant Adjutant General at the time of his appointment nor one to which he might be promoted, nor shall it interfere with or prevent his attending to the duties of the office held at the time or to which he may be promoted thereafter, and shall in no wise be incompatible with the office held or to which he may later be promoted.

§ 14. The Adjutant General by and with the advice and approval of the Governor shall have the power to appoint the officers and other personnel necessary for the proper functioning of the Military Department and he shall prescribe their duties. The salaries of such officers and other employees shall be fixed by the Adjutant General with the approval of the Governor.

§ 15. Officers and enlisted men employed in the Adjutant General's office shall not be entitled to additional pay from the State for active field service nor for active duty, but shall be entitled to actual cost of transportation and three dollars per diem in lieu of subsistence and quarters, or to actual cost of such subsistence and quarters when so provided in the order under which such duty is performed when

serving under orders beyond the limits of the city of Frankfort, except that the foregoing provisions shall not prohibit an officer or enlisted man from receiving pay from the United States for participation in encampments or field service while in the service of the State.

§ 16. The system of organization, armament, discipline and government of the militia shall be prescribed from time to time in a code of regulations to be promulgated by the Governor, subject at all times to the laws and regulations of the United States governing the organized militia or National Guard, and to such general exceptions as may be authorized by the Secretary of War.

§ 17. The articles of war for the government of the armies of the United States as now or hereafter enacted shall be in force at all times as to the forces of the State and regarded as a part of this law so far as they are consistent with its provisions and with the regulations now or hereafter issued thereunder. But no punishment under such rules and articles which shall extend to the taking of life shall, in any case, be inflicted except in time of actual war, invasion, or insurrection, declared by proclamation of the Governor to exist, and then only after the approval by the Governor of the sentence inflicting such punishment. Imprisonment other than in guard house shall be executed in jails, penitentiaries or prisons designated by the Governor or by the Adjutant General or by the convening authority of any court martial.

§ 18. The Attorney General of the State shall be legal advisor of the Governor and of the Adjutant General of the State.

§ 19. The National Guard of the State shall consist of general officers of the line, the several staff corps and departments as prescribed in tables of organization of the United States Army for the National Guard, the officers and enlisted men on the retired list, reserve list and in the National Guard Reserve, the organizations forming the National Guard at

this date, such other as may be organized hereafter and such persons as are enlisted and commissioned therein. The Governor shall have power to alter, divide, annex, consolidate, disband or reorganize any organization, department or corps whenever in his judgment the efficiency of the State forces will be thereby increased, and he shall have power to change the organization of any organization, department or corps so as to conform to any organization, system of drill or instruction now or hereafter prescribed by the laws of the United States for the organization of the National Guard, and for that purpose the number of the officers and non-commissioned officers of any grade in any organization, department or corps may be increased or diminished and the grades of such officers and non-commissioned officers may be altered to the extent necessary to secure such conformity; provided that no organization of the National Guard, members of which shall be entitled to and shall have received compensation under the Act of Congress approved June 3, 1916, as amended, shall be disbanded without the consent of the President of the United States, nor without such consent shall the commissioned or enlisted strength of any such organization be reduced below the minimum that shall be prescribed therefor by the President; and provided further, that the assignment of organizations of the Federally recognized National Guard to divisions, brigades and other tactical units shall be made in accordance with the provisions of the Act of Congress approved June 3, 1916, as amended. The Governor shall have power to fix and, from time to time, to alter the maximum and minimum number of enlisted men which shall form part of any organization, department or corps within the limitations fixed by the Act of Congress approved June 3, 1916, as amended. The aggregate forces of the National Guard in time of peace, fully armed, uniformed and equipped, shall not be less than twenty-five hundred enlisted men.

§ 20. The Governor is authorized to prescribe the organization of the National Guard to conform, as far as practicable, to that prescribed by the laws and regulations of the

United States now or hereafter in force. National Guard troops allotted to the State under the Act of Congress approved June 3, 1916, as amended, when organized under authority of the Governor, shall be maintained by the State and furnished with adequate and suitable armory accommodations, ranges and camp grounds.

§ 21. No officer or enlisted man of the Kentucky National Guard shall incur any expenses whatsoever to be paid by the State, except such as are authorized by this Act, without first obtaining authority therefor, provided that in extreme emergencies the commanding officer of any organization, unit or detachment of the Kentucky National Guard may procure services and purchase such stores and supplies as are absolutely required for the immediate use and care of his command; and a report of his action, containing an itemized statement or account of such services procured or stores and supplies purchased, shall be made forthwith to the Adjutant General. Such account, when the emergency and correctness of same are certified to by the Adjutant General, shall be paid out of the funds of the State.

§ 22. It shall be the duty of the Governor, whenever he shall deem it necessary for the safety or welfare of the Commonwealth, or when any actual or threatened invasion, insurrection, domestic violence, or other danger to the public interest make it necessary to employ military force in aid of the civil power of the government, for the enforcement of law or to preserve the peace and the security of the rights and lives or property of the citizens to order into active field service so much of the Kentucky National Guard, or military force of the Commonwealth, as he may deem necessary, and he may by his order prescribe the duty to be performed by the troops thus called into active field service. The Governor may direct the commanding officer of such military forces thus ordered into service to report to any of the following named civil officers of the district, county, city or town: circuit judge; county judge; mayor; and such civil officers may direct the specific object to be accomplished by such

military force, but the tactical direction and disposition of the troops and the particular means to be employed to accomplish the object, shall be left solely to the officers of the National Guard. Any one of the civil officers named above shall have authority in case of breach of the peace, riots, mobs, great calamity, resistance to the processes of the State, or imminent danger thereof, or imminent danger of violence to life or property, by written order to the commanding officer of any division, brigade, regiment, battalion, company or other unit of the Kentucky National Guard, to order into active field service such part of the National Guard, to be specified in his written order, as such civil officer may deem necessary to assist the civil authorities to enforce the law and to prevent violence to persons or property; provided, however, that such civil officer shall have authority only in case of emergency, when in his judgment it is impossible or impracticable to communicate with the Governor in time to prevent threatened violation of law or damage to persons or property. Such officer and the commanding officer of the troops ordered into service by him shall, as soon as possible, report said facts and circumstances relating thereto to the Governor, and the Governor shall take such action as he may deem necessary. Troops shall not be relieved from active field duty except by order of the Governor.

§ 23. All officers of the National Guard shall be commissioned by the Governor at his discretion; but no one shall be commissioned unless the conditions set forth in the next two sections have been complied with, and no one shall be recognized as an officer unless he shall have been duly commissioned, and shall have taken the oath of office. Commissions shall be issued to officers in the army, corps or departments of the service of which they are a part and not in any particular regiment or unit. Commissioned officers shall rank in their grade according to the date of their commission. Between officers of the same grade and date of appointment or commission, where there has been no previous commissioned service, the relative rank shall be determined by age, where there has been previous service in the Army of

the United States or in the Kentucky National Guard, or the National Guard Reserve of this State, such previous service shall count in the order herein named. The day of the appointment of an officer shall be expressed in his commission and shall be considered as the date thereof. When an officer is appointed or transferred from one office or organization to another, without increase of grade or loss of continuous service, he shall rank in the grade according to the date of his original commission, which shall be stated in his new commission.

§ 24. Commissioned officers must be citizens of the United States and of the age of twenty-one and upwards. No person who has been expelled or dishonorably discharged from the military or naval service of this State, or any other State, or of the United States, shall be commissioned. No person shall be commissioned unless he shall possess the qualifications now or hereafter prescribed by the laws or regulations of the United States and the additional requirements herein prescribed for the particular office to which he is to be commissioned. A general officer above the grade of brigadier general, at the time of his appointment, must be an officer in active service in the National Guard of Kentucky of the grade of brigadier general or field officer, and for seven successive years immediately preceding his appointment, he must have been in active service in said National Guard as a field officer. A brigadier general, at the time of his appointment, must be an officer in active service in the Kentucky National Guard of the grade of field officer for five successive years immediately preceding his appointment. A colonel of a regiment, at the time of his appointment, must either be an officer in active service in the National Guard, and for three successive years immediately preceding his appointment, he must have been in active service in said National Guard as a commissioned officer; or, if not in active service at the time of appointment, he must have had prior service of at least six years in said National Guard or in the Army of the United States, or in both combined, as a commissioned officer. A lieutenant colonel and major of the line, at the

time of his appointment, must either be an officer in active service and for two successive years immediately preceding his appointment he must have been in active service in said National Guard as a commissioned officer or, if not in active service at the time of his appointment, he must have had prior service of at least six years in said National Guard or in the Army of the United States, or in both combined, as a commissioned officer. Officers of the corps of engineers, the signal corps, the adjutant general's department, the inspector general's department, the quartermaster corps and the ordnance department above the grade of captain must possess the same requirements as officers of the line of the same respective grades. Officers of all arms, corps and departments of or below the grade of captain must have served one year immediately preceding appointment in said National Guard or, if not in active service at the time of appointment, they must have had at least one year's service in said National Guard, or the Army, Navy or Reserve Corps of the United States, or both combined. An officer of the judge advocate general's department must be a counselor-at-law of the highest court of this State of at least ten years' standing if of the grade of colonel or lieutenant colonel, of at least five years' standing if of the grade of major, of at least three years' standing if below the grade of major. An officer of the medical corps must be a graduate of a recognized school of medicine and of at least ten years' practice if of the grade of colonel or lieutenant colonel; of at least five years' practice if of the grade of major; of at least three years' practice if of the grade of captain; and of at least one years' practice if of the grade of first lieutenant. An officer of the signal corps must have a knowledge of signaling, telegraphy, topography and map making. A chaplain must be a regularly ordained minister of some religious denomination.

Staff officers, including officers of the pay, inspection, subsistence and medical departments, hereafter appointed shall have had previous military experience, and all officers shall hold their commissions until they shall have reached the age of sixty-four years, unless retired prior to that time

by reason of resignation, disability or for cause to be determined by a court martial or efficiency board legally convened for that purpose.

§ 25. Every officer commissioned in the National Guard shall be examined as to his physical condition, knowledge of military affairs and general knowledge and fitness for service, in the arm, corps or department in which he shall be commissioned, in accordance with the rules and regulations of the United States Army and of the State of Kentucky.

§ 26. Examinations for commissioned officers of the National Guard may be conducted by boards organized in accordance with the provisions of the National Guard Act or any amendment thereof which may hereafter be enacted by Congress. Nominations for commissions in the National Guard shall be initiated by the commanding officer of the organization to which the candidate is to be assigned, and referred to the Adjutant General for preliminary determination of the eligibility and fitness of the candidate to serve in the grade to which he is nominated. The Adjutant General may constitute and dissolve boards to pass upon the eligibility and fitness of candidates.

§ 27. Every officer duly commissioned shall, within ten days after his commission is tendered to him, or within ten days after he shall have been notified personally or by mail that the same is held in readiness for him by a superior officer, take and subscribe to the following oath of office:

"I, ————————, do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the Commonwealth of Kentucky against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will obey the orders of the President of the United States and of the Governor of the Commonwealth of Kentucky; that I make this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of

the office of ———————— in the National Guard of the United States and of the Commonwealth of Kentucky upon which I am about to enter, so help me God."

Such oath shall be taken and subscribed before an officer of the National Guard of the grade of general or field officer, summary court, or any civil officer authorized to administer oaths. In case of neglect or refusal to take and subscribe to such oath within the time mentioned, such commission shall be cancelled by the Governor and a new appointment shall be made to fill the vacancy.

§ 28. The National Guard Reserve shall consist of such organizations, officers and enlisted men as may be authorized and prescribed by the laws of the United States and regulations issued thereunder. In time of peace officers of the Kentucky National Guard may, upon their own application, be transferred to the Kentucky National Guard Reserve after completing three years commissioned service in an active organization of the National Guard, including commissioned service in the United States Army. Upon the disbandment or consolidation of organizations of the National Guard, duly authorized, thereby rendering the commissioned officers or any of them surplus, all such officers qualified for active service whether they have had three years active commissioned service or not, except those transferred or assigned to active units, shall be transferred in the grade in which they are commissioned to the National Guard Reserve. Officers of the National Guard Reserve can not become members of the National Guard in time of peace except by appointment. Officers of the Kentucky National Guard, who have been Federally recognized under the National Defense Act and who shall lose or have had withdrawn by the Federal Government such recognition, shall be transferred by the Adjutant General to the National Guard Reserve, and such transfer shall create a vacancy in the list of the officers of the Kentucky National Guard, which vacancy shall be filled by appointment or promotion as prescribed in this law.

§ 29. A commissioned officer tendering his resignation,

if the Governor accepts it, shall receive an honorable discharge, provided he shall not be under arrest or to be returned to a military court for any deficiency or delinquency. If the Governor accepts the resignation of an officer, who at the time shall be under arrest, under charges, or returned to a military court for any offense, deficiency or delinquency, such officer shall then cease to be an officer of the National Guard and shall receive a discharge in such form as the Governor shall direct, but he shall continue to be subject to trial and the judgment and punishment prescribed by such military court until the proceedings before such court are finally disposed of.

§ 30. Any commissioned officer who has served as a member of the National Guard for a period of ten years, five of which have been as a commissioned officer, may upon his own request, and shall upon attaining the age of sixty-four years, be placed upon the retired list, which shall be kept in the office of the Adjutant General. Officers so retired shall receive no compensation for their services, but shall be permitted on all occasions of ceremony to wear the uniform of the grade upon which retired. The Governor may detail officers so retired upon duty other than in the command of troops, and when so detailed, they shall receive like pay and allowance as officers on the active list detailed or employed under like conditions.

The Governor may order any commissioned officer before a medical board consisting of at least three commissioned medical officers and, if the board reports such officer to be physically unable to perform the duties of his office, the Governor shall retire him.

Any officer retired under the provisions of this section, who shall have served as a commissioned officer on active duty in the Kentucky National Guard, or in the Army, Navy or Marine Corps of the United States during any war in which United States troops were engaged, shall be placed on the retired list in the grade next higher than that actually held by him on the date of his retirement.

§ 31. The Governor may, whenever he may deem that the good of the service requires it, order any commissioned officer before an efficiency board to consist of three officers senior in rank to the officer whose fitness for service is under examination, which is hereby invested with the powers of the courts of inquiry and courts martial, and such board shall inquire into the moral character, capacity and general fitness for the service of such commissioned officer, and record and return the testimony taken and a record of the proceedings. If the findings of such board be unfavorable to such officer and be approved by the Governor, he shall be discharged from the service. No officer whose grade or promotion would in any way be effected by the decision of such board in any case before it, shall participate in the examination or decision of the board in such case. Failure to appear when ordered before a board constituted under this section shall be sufficient grounds for a finding of such board that the officer ordered to appear be discharged. Upon the recommendation of the board, an officer discharged under the provisions of this section may be placed upon the retired list by the Governor where the discharge was issued solely because of physical inability to perform active service.

§ 32. The commission of any officer who absents himself without leave for three months shall be vacated, he shall be dropped from the rolls of the National Guard, and shall be dismissed from the service.

§ 33. Any able-bodied man of good character, resident of the State of Kentucky, who can read and write the English language, who is between the ages of eighteen and forty-five years, and who has passed the required physical examination, which physical examination shall be the same as that required for enlistment in the United States Army, may be enlisted or re-enlisted in the Kentucky National Guard for a term of not less than three years. A man who has been dishonorably discharged or discharged without honor from the United States Army, United States Navy, Marine Corps, the organized militia of any other state, or from the organized militia of

this state, shall not be eligible for enlistment or re-enlistment except he produce the written consent to such enlistment or re-enlistment of the commanding officer of the organization from which he was dishonorably discharged or discharged without honor, and of the officer who approved such discharge.

§ 34. Every person who enlists or re-enlists shall sign and make oath to an enlistment paper. Such oaths shall be taken and subscribed to before an officer authorized to accept enlistments. A person making a false oath as to any statement contained in such enlistment papers shall upon conviction be deemed guilty of a misdemeanor and punished by a fine of not less than ten ($10.00) dollars nor more than fifty ($50.00) dollars.

§ 35. Enlisted men may be transferred to or from organizations, departments or corps or otherwise as provided by regulations approved by the Governor.

§ 36. Warrant officers shall be appointed and warranted by the Governor in his discretion upon the recommendation of the commanding officer of the organization with which they are to serve. Non-commissioned staff officers and non-commissioned officers shall be warranted:

(a) In brigades, in regiments, in battalions or squadrons not part of a regiment and in similar organizations by the commanding officer thereof.

(b) In the staff corps by the senior officer thereof; in the medical department, by the senior medical officer, where such medical force or detachment is not part of a regiment, brigade or similar organization.

(c) In all cases not hereinbefore provided for by the Adjutant General.

All non-commissioned officers shall be warranted in the discretion of the officer issuing the warrant, upon the written

recommendation of the officer under whose immediate command they shall respectively serve. When an examination is required by Federal laws or regulations or by state regulations, no enlisted man shall be warranted until he shall have successfully passed such examination. In all other cases warrants may be issued without examination. The officer warranting a non-commissioned officer shall have power to reduce him to the ranks.

§ 37. When an enlisted man of the National Guard absents himself without leave and there is reason to believe that he does not intend to return, he may be dropped from the rolls under such regulations as may be prescribed.

§ 38. An enlisted man dropped from the rolls may be restored to duty by the Governor and will thereafter serve for such period as added to the time served prior to his desertion will amount to the full term for which he enlisted.

§ 39. An enlisted man shall not be discharged before the expiration of his term of service, except (1) By order of the Governor; (2) By sentence of court martial, approved by the Governor. When an enlisted man is discharged for expiration of service his discharge shall take effect on the last day thereof, i. e., if enlisted on the second day of the month, his term will expire on the first day of the same month in the third year of his term of enlistment. A soldier on his discharge from service will be given a certificate of discharge, signed by his commanding officer and approved by the Adjutant General. The character given on a discharge will be signed by the company or detachment commander, and great care will be taken that no injustice is done the soldier. If the soldier's service has been honest and faithful, he will be entitled to such character as will warrant his re-enlistment, that is, to character, at least "good." Where the company commander deems the service not honest and faithful, he shall, if practicable, so notify the soldier at least thirty days prior to discharge, and shall at the same time notify the Adjutant General, who will, if requested in writing by the soldier, con-

vene a board of officers, three if practicable, to determine whether the soldier's service has been honest and faithful. The finding of the board, when approved by the convening autority, shall be final.

§ 40. An enlisted man may be discharged without honor: (a) without trial, on account of fraudulent enlistment; (b) without trial, on account of having been disqualified for service, physically or in character, through his own misconduct; (c) on account of imprisonment under sentence of civil courts; (d) when the service has not been honest and faithful; (e) when especially ordered by the Governor for any other reason.

§ 41. A dishonorable discharge shall ge given only by sentence of a general court martial approved by the Governor.

§ 42. Upon satisfactory proof of the loss of a discharge certificate or of its destruction without the fault of the person entitled to it, the Adjutant General may cause to be issued to such person a certificate of service, showing date of enlistment and discharge from the military service and character given on the original discharge certificate.

§ 43. Any soldier of the National Guard who shall refuse or neglect to obey the orders of his commanding officer, or of any officer or non-commissioned officer, issued as provided in this act, or who shall hinder, interfere with or prevent any other soldier from performing any duty under such order, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding one hundred dollars ($100.00) or by imprisonment in the county jail for not exceeding thirty days, or by both such fine and imprisonment.

§ 44. Upon affidavit and complaint being filed with any county judge, police judge or magistrate, by any officer of the Kentucky National Guard, any soldier of the Kentucky National Guard who shall fail or refuse to obey any lawful order of any officer or non-commissioned officer placed over him, or

shall violate any law, rule or regulation governing the Kentucky National Guard, or shall absent himself from any drill, assembly for instruction, encampment, inspection, or other duty or service which he may have been ordered to attend, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding fifteen ($15.00) dollars, or imprisoned in the county jail not exceeding fifteen days, or both so fined and imprisoned. No appeal shall lie to any court from any conviction under this section, but a conviction or acquittal in any civil court shall bar a prosecution for the identical offense in any military court. The jurisdiction of general courts martial and summary courts shall not be affected by this law, further than to allow any commissioned officer of the Kentucky National Guard to begin any prosecution he may see fit against any enlisted man in any of the civil courts herein mentioned.

§ 45. Except when in the service of the United States, officers and enlisted men, when employed in active field service of the state, as provided and defined in this act, beginning with the day they assemble at their armories or other designated place until the day they return thereto and have been properly relieved, inclusive, fractional parts of a day counting as a full day, shall receive pay at the following daily rates:

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| Major General | $12.00 | Warrant Officer | $3.50 |
| Brigadier General | 10.00 | Master Sergeant | 3.00 |
| Colonel | 8.00 | Technical Sergeant | 2.75 |
| Lieutenant Colonel | 7.00 | First Sergeant | 2.50 |
| Major | 6.00 | Staff Sergeant | 2.25 |
| Captain | 5.00 | Sergeants | 2.00 |
| First Lieutenant | 4.50 | Corporal | 1.75 |
| Second Lieutenant | 4.00 | Privates | 1.50 |

and in addition thereto actual and necessary cost of transportation, when such transportation is not furnished in kind. Officers shall be allowed a flat per diem of three ($3.00) dollars per day in lieu of quarters and subsistence, when such

quarters and subsistence are not furnished in kind. Enlisted men shall receive subsistence in addition to the pay and transportation provided above.

§ 46. For duty at all encampments ordered by the Governor, except when authorized and paid by the Federal Government, each commissioned officer and enlisted man shall receive the pay and allowances provided in this act, except that members of rifle teams or other teams of officers and men competing in any competition for which they may volunteer shall not receive pay as provided in this act, but many receive actual and necessary expenses, including transportation and subsistence.

§ 47. For service and attendance upon general courts martial, courts of inquiry and boards appointed by the Governor as member, judge advocate, recorder or witness, or upon inspection or other duty ordered by the Governor, officers and enlisted men, when not engaged on duty for which pay is provided, shall receive the same pay and allowances as is provided for other active duty service.

§ 48. General courts martial, courts of inquiry and boards, convened by order of the Governor, may require the attendance of civilian witnesses by the issuance and service of subpoenas in the same manner as is provided in the laws of this state for courts of record. The same fees and allowances shall be paid such witnesses as are provided in the laws of this state for civil courts, and shall be paid by the Adjutant General out of state funds upon vouchers therefor certified to by the president of the court or board.

§ 49. (a) A member of the National Guard who shall, when on duty or assembled therefor, in case of riot, tumult, breach of peace, insurrection or invasion or whenever ordered by the Governor, or called in aid of the civil authorities, receive any injury or incur or contract any disability or disease by reason of such duty or assembly therefor, or who shall without fault or neglect on his part be wounded or disabled

while performing any lawfully ordered duty, which shall incapacitate him from pursuing his usual business or occupation, shall receive the pay provided by this law and actual necessary expenses for care and medical attendance during the period of such incapacity not exceeding ninety days from the date of receiving the injury or of incurring or contracting the disease or disability. Where a claim is made under this section, the Adjutant General may cause examinations of the claimant to be made from time to time by a medical officer or officers designated by him, and he may direct the removal of the claimant to and his treatment in a hospital designated by the Adjutant General, and if the claimant refuse to permit such examination or if he refuse to go to such hospital or to follow the advice given or treatment prescribed for him herein, he shall forfeit and be barred from all right to any claim, pay or allowance under this section.

(b) The body of an officer or enlisted man, who dies while in active field service or on active duty while his command is absent from its home station, shall, under the direction of his commanding officer, be properly prepared for burial, enclosed in a suitable casket, and escorted to his late residence by a proper escort; provided, that the cost of embalming and preparing the body for burial and cost of casket combined shall not exceed the sum of one hundred ($100.00) dollars. The cost of such preparation for burial and casket and escort shall be a proper charge against the state and shall be paid from the treasury on properly certified and approved vouchers.

§ 50. If an enlisted man wilfully, maliciously, purposely or through carelessness or neglect permits any of the arms, utensils, clothing, bedding, or other equipment issued to him, being public property or belonging to the state or to the United States, to become lost, damaged or in any other manner unfit for its proper use, the commanding officer of his company, troop, battery or other organization shall charge the value of such article or articles against the pay of the enlisted man, and it shall be collected on such forms and under such regulations as may be prescribed.

§ 51. Payments under the preceding sections shall be made on such forms as directed by and upon voucher approved by the Adjutant General out of moneys in the treasury, appropriated for that purpose. The necessary commissary and quartermaster stores and medical supplies, transportation for troops in service, transportation and subsistence of organizations of the National Guard representing the state officially on occasions of ceremony within or without the state shall be contracted for by the proper departmental officers, and paid for in like manner.

§ 52. The system of tactics and field exercises for the Army of the United States shall be the system of tactics and field exercises for the National Guard of this state.

§ 53. Each company, troop and battery and detachment in the National Guard shall assemble for drill and instruction, including indoor target practice, not less than forty-eight times each year and shall in addition thereto participate in encampments, maneuvers or other exercises, including outdoor target practice, at least fifteen days in each year, unless such company, troop, battery or detachment shall have been excused from participation in any part thereof by the Governor, provided that credit for an assembly for drill shall not be given unless the assembly shall equal or exceed a minimum to be prescribed by the Governor, nor unless the period of actual military duty and instruction participated in by each officer and enlisted man at each assembly at which he shall be credited as having been present shall be of at least one and one-half hours duration and the character of training such as may be prescribed by the Governor.

§ 54. The Governor may order the National Guard, or any portion thereof, to perform military duty of every description and to participate in small arms and gunnery practice and competition in this state, or in any other state or territory, or the District of Columbia, or in any fort, camp or reservation of the United States therein, and he may authorize the performance of military duty or participation in small

arms or gunner competition by any part of the National Guard anywhere without the state or without the United States.

§ 55. The National Guard shall be provided by the state with such arms, equipment, colors, camp and garrison equipage, books of instruction and of record, and other supplies, as may be necessary for the proper performance of the duty required by this law; and each command shall keep such property in proper repair and in good condition. The National Guard shall, as far as practicable, be uniformed, armed and equipped with the same type of uniforms, arms and equipment as are, or shall be, provided for the Regular Army, and no organization of the National Guard shall be furnished by the state with any other type of uniforms, arms, or equipment than are, or may be, furnished by the United States to the members of the Regular Army.

§ 56. Every commissioned officer shall provide himself, at his own expense, with the arms, uniforms and equipment required to be worn by officers of the Regular Army of the United States.

§ 57. Every officer and enlisted man to whom public property has been issued shall be personally responsible to the state for such property, and no one shall be relieved from such responsibility, except it be shown to the satisfaction of the Governor that the loss or destruction of such property was unavoidable and in no way the fault of the person responsible for same. In all other cases the value of the property lost or destroyed in the amount determined by a surveying officer or a board, as herein provided, shall be charged against the person at fault or with the concurrence of its commanding officer to the command to or for which it has been issued, and, if not relieved from such charge by the Governor, it shall be an indebtedness from such person or command to the state.

§ 58. Any person who shall wear any uniform, or any device, strap knot, or insignia of any design or character used

as a designation of rank, grade or office, such as by law or by general regulation is prescribed for the use of the Kentucky National Guard, except a member of the Army and Navy of the United States, the National Guard of this or any other state, members of associations wholly composed of soldiers honorably discharged from the service of the United States, or any state, and the faculty and students of educational institutions, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than ten ($10.00) dollars nor more than one hundred ($100.00) dollars at the discretion of the court or jury.

§ 59. The military shall be, at all times and in all cases, in strict subordination to the civil power.

§ 60. The officers and enlisted men of the Kentucky National Guard shall be exempt from jury service.

§ 61. Such officers as may be designated by the Governor shall execute proper bond to the state of Kentucky, in such sum as the Governor may prescribe, and no officer shall be relieved of any bond he may have executed, nor shall his surety be relieved, nor shall his estate be effected in any way, by resignation, discharge, change in official position, or death, until final settlement of all his accounts has been made and a certificate of such settlement issued by the Adjutant General. The Adjutant General shall, if possible, obtain a surety company bond or bonds, running to the state of Kentucky, covering such officers as are designated to be bonded, and the premium or premiums on said bond or bonds shall be paid the state military fund; otherwise such officer shall execute personal bond with good and approved surety running to the state of Kentucky. Should any officer fail to qualify by furnishing the prescribed bond within fifteen days after his appointment, or to renew same within fifteen days after the original bond shall expire, the office shall be deemed vacant and shall be so declared to be vacant.

§ 62. Every armory, drill hall, stable or parts of build-

ings or grounds occupied or used by the Kentucky National Guard for military purposes shall, during the period of its occupancy for such purposes, be under the control of the commanding officer so using same, and any person who intrudes or enters therein contrary to his orders, or who molests or obstructs the troops, or any of them, so occupying such premises, shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not exceeding one hundred dollars ($100.00); and it shall be lawful for such officer to arrest such person and turn him over to the civil authorities for trial.

§ 63. All articles of military property furnished for the use of the several organizations of the Kentucky National Guard shall be kept in the armory or storerooms of the command, except when in use for authorized military purposes. No article of military property shall be used for other than authorized military purposes.

§ 64. No officer or soldier shall wear, or use, or have in his possession, except for authorized military purposes, or by special permission of his commanding officer, any uniform or part thereof, or any other article of military property belonging to the state or the United States; and any officer or soldier violating any provision of this section shall, upon conviction, be punished therefor by imprisonment in the county jail not exceeding thirty days, or by a fine not exceeding fifty dollars ($50.00), or by both such fine and imprisonment.

§ 65. If any person shall receive, conceal, or aid in concealing, or have or retain in his possession with intent to convert to his own use or gain any property, record, voucher or valuable thing whatsoever pertaining to the military establishment of the state, and belonging to the state or the United States, which has theretofore been embezzled, stolen or purloined from the state by any other person, knowing the same to have been so embezzled, stolen or purloined, such person shall be deemed guilty of a felony, and on conviction

shall be confined in the penitentiary for not less than one nor more than three years; and such receiver may be tried either before or after the conviction of the principal felony but, if the party has been convicted, then the judgment against him shall be conclusive in the prosecution against such receiver that the property of the state or of the United States therein described has been embezzled, stolen or purloined.

§ 66. The clothes, arms, military outfits and accoutrements furnished by the United States, through the agency of the state, to any officer or soldier of the Kentucky National Guard shall not be sold, bartered, exchanged, pledged, loaned or given away; and no person, not a soldier or duly authorized officer of the state, who has possession of any such clothes, arms, military outfits or accoutrements so furnished, and which have been the subject of any such barter, exchange, pledge, loan, or gift, shall have any right, title or interest therein, but the same may be seized and taken wherever found by an officer of the state, civil or military, and shall thereupon be delivered to the Adjutant General of the state or other officer authorized to receive the same. The possession of such clothes, arms, military outfits or accoutrements by any person not a soldier or officer of the state shall be presumptive evidence of such a sale, barter, exchange, pledge, loan or gift.

§ 67. No officer or enlisted man shall be arrested on civil process, except in case of a felony, while going to, remaining at, or returning from a place where he is ordered to attend for military service or duty.

§ 68. Officers and enlisted men of the Kentucky National Guard while in active field service, going to or returning from any parade, encampment, drill or meeting which they may be required by law to attend, shall, together with their vehicular conveyances, animals and military property of the state or the United States in their custody, be allowed to pass free through toll gates and over all interstate and intrastate toll bridges and ferries, if they be in uniform or present a

written order signed by an officer of the Kentucky National Guard.

§ 69. Any person, master or keeper of a toll gate, toll bridge or ferry, or any person in charge thereof, who wilfully hinders or delays any member of the National Guard or refuses free passage to any such member going to or returning from any parade, encampment, drill or meeting which he may by law be required to attend, or wilfully hinders, delays or refuses free passage to any conveyance or military property of the State in charge of a member of said National Guard, is guilty of a misdemeanor, and shall be fined for each offense not exceeding the sum of twenty-five dollars ($25.00).

§ 70. It shall be unlawful for any body of men whatsoever other than the National Guard of this State and the troops of the United States to associate themselves together as a military company or other armed organization, or to drill or parade with arms anywhere within the State without the license of the Governor therefor, which license of the Governor may at any time be revoked; provided, that nothing herein contained shall be construed to prevent benevolent or social organizations from wearing swords or students in educational institutions, chartered under the laws of the State, wherein military science is part of the course of instruction, from drilling and parading with arms in public, under the superintendence of their instructors. Whoever offends against the provisions of this section, or belongs to or parades with any such unauthorized body of men with arms, shall be punished by a fine of not less than ten dollars ($10.00) nor more than fifty dollars ($50.00), or imprisoned in the county jail for a term not exceeding six months, or both.

§ 71. A person who, either by himself or with another, wilfully deprives a member of the National Guard of his employment, or prevents his being employed by himself or another, or obstructs or annoys said member of said National Guard, or his employer, in respect of his trade, business or employment because said member of the National Guard is

such member, or dissuades any person from enlistment in the said National Guard by threat of injury to him in case he shall so enlist in respect of his employment, trade or business, is guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00), or by imprisonment in the county jail not less than ten (10) days, nor more than fifty (50) days, either or both, at the discretion of the court and jury.

§ 72. No association or corporation, constituted or organized for the purpose of promoting the success of the trade, employment or business of the members thereof, shall by any constitution, rule, by-law, resolution, vote or regulation, discriminate against any member of the National Guard of the State of Kentucky because of such membership in respect to the eligibility of such member of the National Guard to membership in such association or corporation, or in respect of his right to retain said membership; it being the purpose of this and the preceding section to protect a member of the said National Guard from disadvantage in his means of livelihood and liberty, but not to give him any preference or advantage on account of his membership in said National Guard. A person who aids in enforcing any such provision against any member of the said National Guard with the intent to discriminate against him because of such membership is guilty of a misdemeanor, and shall be punished as provided in the preceding section.

§ 73. The military courts of this State for the National Guard, not in the service of the United States, shall be:

(a) Courts of inquiry.

(b) General courts martial.

(c) Special courts martial.

(d) Summary courts martial.

They shall be constituted like and have cognizance of the same subjects and possess like power, except as to punish-

ments, as similar courts provided for by the regulations and laws governing the Army of the United States, and the proceedings of courts martial of the National Guard shall follow the forms and modes of procedure prescribed for said similar courts in the Regular Army. The sentences of all courts martial shall be carried into effect upon the approval of the convening authority, which shall have power to remit or mitigate any sentence.

§ 74. Courts of inquiry shall consist of from one to three officers of at least equal grade with the officer, or with the senior officer if there be more than one, in regard to whom the court is ordered, and may be ordered by the Governor or by his direction by the Adjutant General, to examine into the nature of any transaction of or accusation or imputation against any officer or soldier, or of any happening, occurrence or condition which may affect the National Guard or its efficiency or welfare. The Court shall, without delay, report to the officer ordering it the evidence adduced, a statement of the facts and, when required, an opinion thereon. Any officer may request a court of inquiry.

§ 75. General courts martial of the National Guard may be convened by order of the Governor, and such courts shall have the power to impose fines not exceeding two hundred dollars ($200.00); to sentence to confinement not exceeding eight months; to sentence to forfeiture of pay and allowances; to a reprimand; to dismissal or dishonorable discharge from the service; to reduction of non-commissioned officers to the ranks; or any two or more of such punishments may be combined in the sentences imposed by such courts.

§ 76. The commanding officer of each garrison, fort, post, camp or other place, brigade, regiment, detached battalion or other detached command, may appoint special courts martial for his command, but such special courts martial may in any case be appointed by superior authority when by the latter deemed advisable. Special courts martial shall have power to try any person subject to military law, except a commissioned officer, for any crime or offense made punish-

able by the military laws of the State of Kentucky or the United States, and such special courts martial shall have the same powers of punishment as do general courts martial, except that fines imposed by such courts shall not exceed one hundred dollars ($100.00).

§ 77. The commanding officer of each garrison, fort, camp, post or other place, regiment or corps, detached battalion, company, troop, battery, or other detachment of the National Guard, may appoint for such place or command a summary court to consist of one officer, who shall have power to administer oaths and to try the enlisted men of such place or command for breaches of discipline and violations of military laws; and said court may impose fines not exceeding twenty-five ($25.00) dollars for any single offense; may sentence non-commissioned officers to reduction to the ranks; may sentence to forfeiture of pay and allowances. The proceedings of such court shall be informal and the minutes thereof shall be the same as prescribed for summary courts of the Army of the United States.

§ 78. All courts martial of the National Guard, including summary courts, shall have the power to sentence to confinement in lieu of fines authorized to be imposed; provided, that such sentences of confinement shall not exceed one day for each dollar of fine authorized; provided, further, that no sentence of confinement imposed by a summary court shall be carried into effect until the sentence shall have been approved by an officer of field grade.

§ 79. An accused appearing before a general court martial or summary court shall have the right to be represented by counsel; such counsel may be a commissioned officer of the Kentucky National Guard or any duly licensed lawyer in the State of Kentucky.

§ 80. No sentence of dismissal from the service or dishonorable discharge imposed by a National Guard court martial shall be executed until approved by the Governor of the State of Kentucky.

§ 81. Presidents of courts martial, courts of inquiry and military boards, and summary court officers shall have power to issue warrants to arrest, or cause to be arrested, accused persons and to bring them before the court for trial whenever such persons shall have disobeyed an order in writing from the convening authority to appear before such court, a copy of the charge or charges having been delivered to the accused with such order, and to issue subpoenas duces tecum, and to enforce by attachment attendance of witnesses, and the production of books and papers. The refusal of a witness to appear in answer to a subpoena, to be sworn or to answer, shall be a contempt of said court and shall be punishable by a fine of not to exceed thirty dollars ($30.00), which may be imposed by such court or board.

§ 82. All processes and sentences of said courts shall be executed by sheriffs or other civil officers of the State of Kentucky, and it shall be the duty of such officers to execute all such processes and sentences and make return thereof to the officer issuing or imposing the same. Upon failure of any such officer to execute such processes and sentences, they shall be guilty of a misdemeanor and subject to a fine of not exceeding twenty-five dollars ($25.00) for each offense.

§ 83. Any jail or prison of the State shall be used as a place of imprisonment or detention for any person convicted and sentenced to imprisonment or detention of any person convicted and sentenced to imprisonment by a court martial or summary court, and every jailer or warden shall, upon notification by authority approving the sentence, receive and confine each person so convicted, and shall carry into execution the sentence of such court martial or summary court as if they were the directions and orders of properly constituted civil authorities, ordering the confinement of persons for criminal offense. The cost of imprisonment or detention shall be a proper charge against the county in which the prisoner is confined, and shall be paid for at the same rate as those prescribed for the detention of other prisoners in the county jail. The authority which has designated the place of confinement

may change the place of confinement of any prisoner under the jurisdiction of such authority.

§ 84. The Act of the General Assembly of Kentucky adopted at its 1924 session, creating the Armory Commission of Kentucky and providing armories for the Kentucky National Guard, and which was approved March 15, 1924, and which is now in effect, shall continue in effect and none of its provisions are abridged or abrogated by this law or any of its sections.

§ 85. The Adjutant General shall for his services receive an annual salary of three thousand, six hundred dollars ($3,600.00) out of the State treasury, payable in equal monthly installments.

§ 86. The Assistant Adjutant General shall for his services receive an annual salary of one thousand, eight hundred dollars ($1,800.00) out of the State treasury, payable in equal monthly installments.

§ 87. The compensation of other officers and employees in the Military Department shall be fixed by the Adjutant General with the approval of the Governor.

§ 88. Before entering upon the duties of his office the Adjutant General shall be required to execute bond running to the Commonwealth of Kentucky in the sum of ten thousand dollars ($10,000.00), conditioned upon the faithful performance of his duties as Adjutant General.

§ 89. Before entering upon the duties of his office the Assistant Adjutant General shall be required to execute bond running to the Commonwealth of Kentucky in the sum of five thousand dollars ($5,000.00), conditioned upon the faithful performance of his duties as Assistant Adjutant General.

§ 90. The Adjutant General shall have the power to require such officers and employees in the Military Department to execute bonds running to the Commonwealth of Kentucky

in such sums as he may think reasonable to properly safeguard the interests of the Commonwealth, considering the responsibilities and the duties which such officers or employees are required to perform.

§ 91. When said bonds given by the Adjutant General, Assistant Adjutant General and other officers and employees in the Military Department are surety company bonds, then the cost of the premiums on said bonds shall be a proper charge against the Military Fund, and said premiums shall be paid out of said fund by vouchers approved by the Adjutant General.

§ 92. Officers of the Kentucky National Guard when ordered on active duty by the Governor shall have the same right to carry arms, and in the same manner, as sheriffs and other peace officers of the Commonwealth are now permitted and authorized by law to do.

§ 93. Organizations, officers and enlisted men of the Kentucky National Guard who are or may be hereafter Federally recognized and authorized to receive Federal pay, arms and equipment shall be in Active Service within the meaning of this Act. Troops of the Kentucky National Guard ordered into service as prescribed in this Act for the enforcement of the law and for the preservation of the peace and security of the rights and lives or property of citizens shall be deemed to be in Active Field Service. Officers employed under orders of the Governor in making tours of inspection, mustering in or mustering out troops making surveys of military property, sitting on courts martial, summary courts, efficiency boards, courts of inquiry or boards of officers, shall be deemed to be in Active Field Service. Orders in every case shall state if pay and travel allowed and the expenses allowed.

§ 94. A person who excludes from the equal enjoyment of any accommodation, facility or privilege furnished by innkeepers or common carriers, or by owners, managers or lessees of theaters or other places of amusement or resort, any person lawfully wearing the uniform of the Army, Navy

or Marine Corps of the United States because of that uniform, is guilty of a misdemeanor, and shall be punished by a fine of not less than ten dollars ($10.00) nor more than fifty dollars ($50.00), or by confinement of not less than ten days nor more than sixty days, or both in the discretion of the court or jury.

§ 95. That no red or black flag nor any banner, ensign or sign having upon it any inscription opposed to organized government, or which is sacrilegious, or which may be derogatory to public morals, shall be carried in parade within this State or displayed upon any street or building therein; and it shall be unlawful to display the flag of any anarchistic society upon any public or private building or to carry or display such flag in any street procession or parade within this State. Nothing in this Act shall apply to any pennant of any university, college or other recognized institution of learning.

§ 96. Whoever levies war against this State or the United States or knowingly adheres to the enemies of either, giving them aid and comfort, is guilty of treason against the State of Kentucky and shall be imprisoned in the penitentiary for life.

§ 97. Whenever the National Guard of this State shall be called into active service by the Governor for any purpose, requiring the service of members thereof who may be students in any institution of learning within the State, no teacher, professor, principal or president of any such institution shall discriminate against any such student by reason of such absence, but shall credit him with all academic work accomplished to the date of such absence.

§ 98. The Adjutant General or such officers as the Governor may designate shall inspect at least once in each year, or oftener if the Governor deems it necessary, all headquarters, arsenals, storehouses, armories, organizations and all military property belonging to the State and military property that has been issued to the State by the United States, and such inspector or inspectors, shall render a detailed report to the Adjutant General of the condition of same.

§ 99. Officers and enlisted men of the National Guard ordered into active service of the State by proper authority shall not be liable civilly, or criminally, for any act, or acts, done by them in pursuance of duty in such service.

§ 100. Each regiment and separate battalion may have a council of administration, composed of its officers, which shall be charged with the care and control of the fiscal affairs of the organization, may adopt suitable by-laws, effective on the approval of the Governor, and may elect not more than twenty-five honorary members for each company, battery, troop or equivalent unit; said honorary members to be entitled to exemption from jury service, upon their payment annually, or oftener, as the council shall so determine, of a sum not less than fifty dollars ($50.00); and the money thus obtained shall be for the use of the regimental or battalion fund, to be expended by the commanding officer in such manner as, in his judgment, the interests of the organization require. Each unit not under the control of a regimental or battalion council of administration may also have a council of administration, composed of its officers, and it shall have the same powers as prescribed herein for a regiment and separate battalion.

§ 101. All acts or parts of acts in conflict herewith are to the extent of such conflicts hereby repealed.

§ 102. If any section, subsection, sentence, clause or phrase of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Act, as it is the intention of the General Assembly in the enactment of this Act to enact each and every section separately and independently of each other.

§ 103. Whereas it is important for the betterment of the Military Department of the State for this Act to take effect immediately, an emergency is hereby declared to exist and this Act shall be effective upon its passage and approval by the Governor.

Senator Humphreys proposed the following amendment to said bill:

Amend House Bill No. 615 by striking therefrom paragraph 10 on page 5 and 6 of the printed bill and substituting in lieu thereof the following paragraphs section 10—The Governor shall immediately upon his induction into office appoint an Adjutant General who shall be not less than 30 years of age and shall have had active service in the Kentucky National Guards or in the U. S. Army, Navy, or Marine Corps. The officers so selected as Adjutant General shall by executive order of the Governor be ordered and placed on active duty, and in the event said appointee does not already hold the Commission of Brigadier General of the Kentucky National Guard, he shall be given temporary rank as Brigadier General of the Kentucky National Guard and shall be so commissioned by the Governor. In the event that the commission is only temporary, said commission shall automatically be vacated when said appointee shall be relieved from duty as Adjutant General or at the expiration of the term of the Governor making the appointment. The office of Adjutant General shall not be incompatible with or serve to vacate the commission in the Kentucky National Guard held by the officer appointed Adjutant General at the time of his appointment, nor shall it be incompatible with any office to which he might be prompted, nor shall it interfere with or prevent his attending to the duties of the office held at the time or to which he may be thereafter promoted.

Senator Humphreys moved that said amendment be adopted.

The question being taken thereon, was decided in the affirmative.

Said amendment was adopted.

Senator Humphreys proposed the following amendment to said bill:

Amend House Bill No. 615 by striking out in line two, part 85, page 38 of the printed bill after the word of the words three thousand, six hundred dollars and the figures $3600.00 and inserting in lieu thereof the words three thousand dollars and the figures $3,000.00.

Senator Humphreys moved that said amendment be adopted.

The question being taken thereon, was decided in the affirmative.

Said amendment was adopted.

Ordered that said bill be read the third time.

Senator Ferguson moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Chas. G. Franklin | L. C. Littrell |
| W. W. Booles | Perry B. Gaines | Frank I. Lloyd |
| H. M. Brock | J. S. W. Holloway | Rev. C. D. McCaw |
| Edwin C. Dawson | Robert Humphreys | C.T.McCormick,Sr. |
| Dr. T. J. Edge | Wm. Isaacs | Wm. Mehler |
| Thos. C. Ferguson | Silas Jacobs | E. C. Moore |
| Walter N. Flippin | Alex E. Johnson | Ray B. Moss |

| | | |
|---|---|---|
| D. C. Naive | R. H. Royster | Fred C. VanHoose |
| Marion F. Pogue | Dr. Lewis Ryans | F. M. White |
| Dr. G. W. Ragan | E. D. Stephenson | Sewell B. Williams |
| O. M. Rogers | Joe Stewart | W. A. Yates |
| J. M. Rose | Thos. O. Turner | Gates F. Young |

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Resolved that the title thereof be as aforesaid.

Senator Ferguson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the House of Representatives of the following title:

H. B. 406. An Act creating, cultivating and preserving State and County Forestry.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That any person or persons owning real estate in the Commonwealth of Kentucky who shall plant, set out or cause to be planted or set out not less than one acre or all over that amount in rows so as to be cultivated, or who shall set aside not to exceed twenty-five acres of land that is covered in a merchantable kind of timber and remove the underbrush therefrom shall be exempt from taxation on said amount so long as said land is cultivated and reserved for the growth of said timber. The said exemption of taxes shall only apply to land tax and said exemption shall not apply unless there be fifty or more trees planted on each acre. Provided, however, that land so improved shall be subject only to a tax of ten cents on the hundred dollars for State purposes.

§ 2. That all laws and parts of laws to the extent of this act is hereby repealed.

§ 3. That this Act shall be in full force after it becomes a law.

Ordered that said bill be read the third time.

Senator Moss moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Thos. C. Ferguson | Alex E. Johnson | R. H. Royster |
| Walter N. Flippin | Ray B. Moss | Fred C. VanHoose |
| Perry B. Gaines | Dr. G. W. Ragan | F. M. White |
| Wm. Isaacs | J. M. Rose | —10 |

Those who voted in the negative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Silas Jacobs | O. M. Rogers |
| W. W. Booles | L. C. Littrell | Dr. Lewis Ryans |
| Edwin C. Dawson | Wm. Mehler | E. D. Stephenson |
| Dr. T. J. Edge | E. C. Moore | Joe Stewart |
| J. S. W. Holloway | D. C. Naive | Sewell B. Williams |
| Robert Humphreys | | —16 |

Senator Williams moved that the vote by which said bill was lost be reconsidered.

The question being taken thereon, was decided in the affirmative.

Said motion was agreed to.

Senator Williams moved that said bill be recommitted to the Committee on Rules.

The question being taken thereon, was decided in the affirmative.

Said bill was recommitted.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. B. 441. An Act providing for the issuance of college elementary certificates; repealing Subsection 2 of Section 4501-7 and Subsection 1 of Section 4636b-2, Carroll's Kentucky Statutes, Baldwin's Revision of 1930 Subsection 1 of Section 2 of Chapter 37, Acts of the General Assembly of 1930.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. A college elementary certificate, valid for two years, for teaching in any elementary school of the State, shall be issued by the Superintendent of Public Instruction to any applicant who has filed in his name a transcript certified by the officials of the College of Education, University of Kentucky, or the State Teachers Colleges, or any other standard college, showing that he has earned in residence at least 32 semester hours of prescribed and elective standard college credit; at least six of the 32 semester hours standard college credit shall have been earned in teachers' professional courses. This certificate shall be eligible for renewals, be-

fore or after its expiration, of two years each upon filing of an official transcript showing that the holder has earned at least 16 semester hours of prescribed and elective standard college credit since the issuance of said certificate or since its last renewal, at least 8 of which semester hours shall have been earned in residence in the institution certifying the transcript.

§ 2. Subsection 2 of Section 4501-7 and Subsection 1 of 4636b-2, Carroll's Kentucky Statutes, Baldwin's Revision of 1930, and Subsection 1 of Section 2 of Chapter 37, Acts of the General Assembly of 1930, are hereby repealed.

§ 3. This Act shall become effective and operative as of September 1, 1932.

Ordered that said bill be read the third time.

Senator Ryans moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Perry B. Gaines | L. C. Littrell |
| H. M. Brock | Arch Hamilton | Frank I. Lloyd |
| Dr. T. J. Edge | Robert Humphreys | E. C. Moore |
| Thos. C. Ferguson | Wm. Isaacs | Ray B. Moss |
| Chas. G. Franklin | Alex E. Johnson | D. C. Naive |

| | | |
|---|---|---|
| Marion F. Pogue | Dr. Lewis Ryans | Thos. O. Turner |
| O. M. Rogers | E. D. Stephenson | Fred C. VanHoose |
| R. H. Royster | Joe Stewart | —23 |

Those who voted in the negative were:

| | | |
|---|---|---|
| Walter N. Flippin | Dr. G. W. Ragan | F. M. White |
| Silas Jacobs | J. M. Rose | Sewell B. Williams |
| Wm. Mehler | | —7 |

Resolved that the title thereof be as aforesaid.

Senator Franklin moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Senator Ryans moved that the Senate adjourn until 11 o'clock A. M., Tuesday, March 1st, 1932.

Said motion was agreed to.

And the Senate adjourned.

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TUESDAY, MARCH 1, 1932

The Senate was called to order by the President of the Senate, Lieutenant-Governor Albert B. Chandler.

The Senate was opened with prayer by Rev. Father O'Dwyer of the Frankfort Catholic Church.

The roll of the Senate was called and the following Senators answered to their names:

| | | |
|---|---|---|
| Jas. H. Bondurant | Thos. C. Ferguson | J. S. W. Holloway |
| W. W. Booles | Walter N. Flippin | Robert Humphreys |
| H. M. Brock | Chas. G. Franklin | Wm. Isaacs |
| Edwin C. Dawson | Perry B. Gaines | Silas Jacobs |
| Dr. T. J. Edge | Arch Hamilton | Alex E. Johnson |

| | | |
|---|---|---|
| L. C. Littrell | D. C. Naive | E. D. Stephenson |
| Frank I. Lloyd | Marion F. Pogue | Joe Stewart |
| Rev. C. D. McCaw | Dr. G. W. Ragan | Thos. O. Turner |
| C.T.McCormick,Sr. | O. M. Rogers | Fred C. VanHoose |
| Wm. Mehler | J. M. Rose | F. M. White |
| E. C. Moore | R. H. Royster | Sewell B. Williams |
| Ray B. Moss | Dr. Lewis Ryans | Allie W. Young |

—36

Senator Rose moved that the reading of the Journal be dispensed with and the Journal approved.

Said motion was agreed to.

A message was received from the House of Representatives announcing that they had passed bills of the following titles:

S. B. 96. An Act to extend the jurisdiction of notaries public into counties other than the county of their appointment.

S. B. 349. An Act enabling cities of the second class to acquire, construct, improve, operate and maintain bridges across navigable streams, and to acquire and operate ferries thereover, so as to connect such cities with an adjoining State; providing for the creation of bridge commissions of such cities and prescribing their powers and duties; authorizing the issuance of revenue bonds of such cities, payable solely from bridge and ferry earnings, to pay the cost of such bridges and improvements thereof and such ferries; providing for the collection of bridge and ferry tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the bridges and ferries; setting forth the conditions upon which such bridges shall become free bridges; providing that no debt of such cities shall be incurred in the exercise of any of the powers granted by this act; providing for condemnation.

H. B. No. 56. An Act to amend Section one thousand, seven hundred and thirty, Carroll's Kentucky Statutes, pro-

viding for the fees of jailers in the counties of this Commonwealth.

It was ordered that said bill be referred to the Committee on Rules.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That Section One Thousand, Seven Hundred and Thirty, Chapter 47, Kentucky Statutes, be, and the same is, hereby amended by striking from Sub-section 4 after the word "Court," "One ($1.00) Dollar" and inserting in lieu thereof "Seventy-Five (.75) Cents"; and said section when so amended shall read as follows:

"1730. Fees allowed to jailers. The fees of the jailers shall be as follows:

For attending County and Quarterly Courts, to be paid out of the County levy, per day, not exceeding Two Dollars ($2.00).

For furnishing fuel and lights to County and Quarterly Courts, a reasonable compensation, not exceeding two dollars ($2.00) per day, to be paid out of the County levy.

For putting a prisoner in irons, for an offense other than a felony, or contempt besides the cost of irons, to be paid out of County levy, fifty cents (50c).

For keeping and dieting prisoners in jail when confined for an offense other than a felony or contempt of court seventy-five (75c) cents per day, to be paid out of the county levy, unless confined for a breach of the by-laws or ordinances of a city or town, or for the violation of a statute where the city or town gets the benefit of the fine; in that case to be paid by such city or town: Provided, that in counties having within

their boundaries cities of the first class, the charge for keeping and dieting prisoners in jail when confined for an offense other than a felony or contempt of court, shall be one dollar ($1.00) per day, to be paid out of the county levy, unless confined for a breach of the by-laws or ordinances of a city or town, or for the violation of a statute where the city or town gets the benefit of the fine; in that case to be paid by such city or town.

For imprisoning and releasing a prisoner charged with a misdemeanor, sixty cents (60c), to be paid out of the county levy, unless confined for a breach of the by-laws or ordinances of a city or town, or for violation of statute, where the city or town gets the benefit of the fine; in that case, to be paid by such city or town. And for imprisoning and releasing a prisoner charged with a felony, sixty cents (60c), to be paid out of the State treasury. For all other services performed by him the same fees as paid sheriffs."

Senator Allie W. Young moved that the Senate recess until 2 o'clock P. M.

Said motion was agreed to.

A message was received from the House of Representatives announcing that they had receded from amendment No. 2, (for amendment see Journal of February 19th) and that they had passed S. B. 177 with amendment No. 1, as reported to the Senate on above date.

Senator Pogue moved that the bill be put upon its passage and said bill was passed as amended in the House.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | H. M. Brock | Walter N. Flippin |
| W. W. Booles | Edwin C. Dawson | Arch Hamilton |

| | | |
|---|---|---|
| J. S. W. Holloway | C.T.McCormick,Sr. | J. M. Rose |
| Robert Humphreys | Wm. Mehler | Dr. Lewis Ryans |
| Wm. Isaacs | Ray B. Moss | Joe Stewart |
| Silas Jacobs | D. C. Naive | F. M. White |
| Alex E. Johnson | Marion F. Pogue | Sewell B. Williams |
| L. C. Littrell | O. M. Rogers | —23 |

Resolved that the title thereof be as aforesaid.

Senator Pogue moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate reconvened at 2 o'clock P. M.

Senator Ragan moved that the privileges of the floor be extended to Mr. Otting, Mr. Ridd and Mr. Fogle.

Said motion was agreed to.

Senator Edge moved that the privileges of the floor be extended to Ex-Senator Geo. Baker and Mrs. Baker of Central City.

Said motion was agreed to.

Senator Moss moved that the privileges of the floor be extended to Mr. Jas. Patterson of Lexington.

Said motion was agreed to.

Senator Van Hoose moved that the privileges of the floor be extended to Messrs. Kit C. Elswick, M. F. Conley, Eldred Adams, J. G. Burns and Dr. L. S. Hayes of Louisa.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill of the following title:

H. B. 406. An Act creating, cultivating and preserving State and County Forestry.

Senator Brock moved that said bill be recommitted to the Committee on Rules.

The question being taken thereon, was decided in the affirmative.

Said bill was recommitted.

The Senate took up for consideration from the Orders of the Day a bill of the following title:

H. B. 84. An Act providing for the reopening and reorganization of closed banks or trust companies or combined banks and trust companies in this Commonwealth.

Senator Stewart moved that said bill be recommitted to the Committee on Rules.

The question being taken thereon, was decided in the affirmative.

Said bill was recommitted.

The Senate took up for consideration from the Orders of the Day a bill of the following title:

S. B. 212. An Act to create a Commission to be known as the "Public Service Commission of Kentucky," and to provide for the supervision, regulation and control of designated public utilities within the Commonwealth of Kentucky, so as to more effectively provide for the supervision, inspection and regulation by said Commission in the public interests in the construction, maintenance and operation of public utilities and of their service, rules, regulations, management and practices, defining its powers and duties, provide for its expenses, including salaries of members and agents and employes thereof; creating a fund for such purpose, and providing for the

collection thereof; providing for the appointment or removal of commissioners, officers and employes; transferring certain powers vested in and possessed by the Railroad Commission of Kentucky to the said Public Service Commission; transferring the powers and jurisdiction vested in the Department of Motor Transportation to the Public Service Commission, and providing for the appointment of a Deputy Commissioner to the Public Service Commission who shall have supervision over the Division of Motor Transportation; and further providing for the filing of applications and complaints before the Deputy Commissioner, and for the hearing of same; to regulate the issuance and guaranty of securities and valuation of the property of public utilities; to supervise and regulate rates, investigate and hear complaints made by or against any utility; to classify character of service, to require reports from each utility and prescribe form thereof; to hear and determine application for issue, and if issued, prescribe conditions for certificate of convenience and necessity for construction beyond ordinary extension of pre-existing facilities of each utility; to promulgate and enforce rules regulating procedure upon hearings before the Commission; to provide for and regulate appeals from any action or order of the Commission in the exercise of its jurisdiction and powers, and prescribe penalties for failing to comply with the orders of the Commission or with the provisions of this Act.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. (a) Public Service Commission Created. There shall be, and there is hereby created a commission to be known as the "Public Service Commission of Kentucky", which is hereby declared to be a body corporate with power to sue and be sued, and in its corporate name, as above designated, to adopt a corporate seal bearing the following inscription: "Public Service Commission of Kentucky", which seal shall be affixed to all writs and official documents, and to such other

instruments as the Commission shall direct. All courts shall take judicial notice of said seal.

(b) The Public Service Commission shall consist of three commissioners, who shall be appointed by the Governor, subject to confirmation by the Senate, if in session when such appointment is made; if not in session, then at its next succeeding session.

(c) On or before the first day of July, 1932, the Governor shall appoint three commissioners who shall be citizens and residents of this State. The annual salary to be paid each commissioner shall be $5,000.00, together with his necessary traveling expenses, payable as now provided by law to other officers of the State Government, out of funds hereinafter provided for the operation of this law. Said Commissioners shall immediately thereafter enter upon the discharge of their duties, and shall hold office for one (1), two (2), and four (4) years respectively, from the first day of July, 1932, the term of each to be designated by the Governor; but their successors shall be appointed for a term of four (4) years each, except that any person appointed to fill a vacancy shall serve only for the unexpired term of the commissioner whom he succeeds. They and each of them shall, before entering upon the discharge of their duties, subscribe, and file with the Secretary of State, the constitutional oath of office.

(d) The Governor shall have power to remove any commissioner, or any officer or employee of the Commissioner for incompetency, neglect of duty, immorality, corrupt practice, or for any malfeasance or misfeasance in office, upon due and reasonable notice, and after a hearing before the Governor, at which any such commissioner, officer or employee shall be entitled to be heard in person and by counsel.

(e) The commissioner first appointed to serve four years shall be chairman of the Public Service Commission, and thereafter the commissioner, whose term of office is longest in point of continuous service upon the commission, shall be and act as chairman.

(f) The concurrent judgment of two of the commissioners shall be deemed to be the action of the commission, when in session as a board, and no vacancy in the commission shall embarrass the right of the remaining commissioners to exercise all of the powers of the commission.

(g) No person while in the employ of or holding any official relation to any public utility, within the meaning of this Act, or holding any stocks, bonds or other securities either directly or indirectly, or pecuniarily interested therein, either directly or indirectly, shall enter upon the duties of, or hold said office, nor shall any such commissioner be a candidate for or hold public office, or be a member of any political party committee, while acting as such commissioner; nor shall any commissioner or employee of said commission receive any free transportation, or other thing of value, either directly or indirectly, from any public utility within the meaning of this Act. If any of said commissioners shall become a candidate for any public office, or shall become a member of any political party committee, his office as commissioner shall be ipso facto vacated. The taking or receiving, either directly or indirectly by any member of the Public Service Commission, or by any officer or employee thereof, or any rebate, percentage of contract, pass, free transportation, or other thing of value, either directly or indirectly, from any public utility within the meaning of this Act, shall be deemed a felony, and any member of said commission, officer or employee thereof, convicted under this section shall be punished by a fine not to exceed $5,000.00 and by imprisonment in the penitentiary not less than five years nor more than ten years.

§ 2. (a) Subordinates. The public service commission may, subject to approval by the governor, appoint a secretary, a rate clerk, and such other experts, agents, investigators, engineers or other employees and assistants as may be necessary for the powers herein conferred upon the commission, and shall prescribe their respective duties, and fix their compensation, which compensation shall be paid out of the funds hereinafter provided for the operation of this law. Such subordinates shall in addition thereto receive their necessary

traveling expenses when engaged on the business of the commission and shall be payable as now provided by law in the case of other such officers and employees. The commission may transfer officers or employees from their positions to other positions in the service, or abolish or consolidate such positions. The commission may remove from office any officer or employee of the commission for incompetency, neglect of duty, gross immorality, malfeasance or misfeasance in office, corrupt practices, or for other cause affecting the performance or discharge of his duties, and to reduce the number of employees. The commission shall have power to establish, consolidate or abolish divisions or bureaus under its supervision for the purpose of expediting the various branches of the service within its jurisdiction, and for the purpose of making the same more efficient and reducing the expenses of the commission. Each division or bureau and each officer or employee shall be subject to such rules and regulations as the public service commission may from time to time adopt and promulgate for its operation and management.

(b) The secretary shall keep a full and true record of all proceedings of the commission, keep in his custody the file and papers in each proceeding and it shall be his duty to issue all necessary process returns and notices, to keep all books, maps, documents and papers ordered to be filed with the commission and all orders made by the commission, approved and confirmed by it and ordered to be filed. The secretary shall, with each of the commissioners, have power to administer oaths in all parts of the State, so far as the exercise of such power is properly incidental to the performance of his duties or that of the commission.

(c) The general office shall be kept at the Capitol of the State and kept open each working day between the hours of nine o'clock A. M., and five o'clock P. M., in charge of the secretary, or some other competent person, but hearings and the taking of evidence may be had at such times and places within the State and in each particular case, as the commission may designate.

(d) The Attorney General shall be the legal advisor of the Commission, but the Commission may appoint, subject to the approval of the Governor, a special counsel, to perform services and discharge the duties of attorney to the Commission. Such specially appointed counsel shall receive such salary as may be fixed by the Commission and approved by the Governor, such salary to be paid in the same manner as that of the members of the Commission.

§ 3. Procedure Before the Commission. (a) Complaints. The Commission shall have power to hold a hearing upon its own initiative or upon complaint made by or against a public utility that any of the rates, tolls, charges or schedules, or any joint rate or rates in which such petitioner is directly interested are in any respect unreasonable or unjustly discriminatory; or that any regulation, measurement, practice or act whatsoever affecting or relating to the service of any public utility or any service in connection therewith is in any respect unreasonable, unsafe, insufficient or unjustly discriminatory; or that any service is inadequate or can not be obtained, and in such event the Commission shall proceed with or without notice to make such investigation as it may deem necessary or convenient. But, no order affecting said rates, tolls, charges, schedules, regulations, measurement, practice or act complained of shall be entered by the Commission without a formal public hearing.

(b) Rules for Hearing. All hearings, investigations and proceedings shall be governed by this act and by such other rules of practice and procedure as may be adopted by the Commission.

(c) Process. The Commission and each Commissioner and the Secretary of the Commission shall have power to administer oaths, certify to official acts, issue subpoenas, compel the attendance of witnesses and the production of books, accounts, papers, records, documents and testimony. The Commission may invoke the aid of the Franklin Circuit Court to enforce, by proceedings for contempt, by a mandamus injunction, or other proper proceedings, all of its orders and to

compel obedience to summons or subpoena issued by its secretary, the Commission, or any of the commissioners.

(d) Depositions. The Commission, or any commissioner, or the Secretary of the Commission, or any party in the proceedings, may, in any investigation or hearing before the Commission, cause the deposition of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions in civil actions in circuit courts.

(e) Fees. Any witness summoned before the Commission shall receive for his attendance the fees and mileage now provided for witnesses in civil cases in courts of record, which shall be audited and paid by the State in the same manner as other expenses are audited and paid upon the presentation of proper vouchers, sworn to by the witness and signed by the Chairman of the Commission, provided that no mileage fee shall be allowed to a witness who has been furnished with free transportation.

(f) Notice of Complaint, Time for Hearing. The Commission shall, prior to any formal hearing, notify the defendant in such hearing and any other interested party that a complaint has been made, and ten days after such notice has been given the Commission may proceed to set a time and place for a hearing and an investigation as hereinafter provided.

(g) Notice of Hearing. The Commission shall give the complainant and the defendant, if any there be, ten days' notice of the time and place, when and where such hearing and investigation will be held. Both the complainant and the defendant, if any, or any other interested party shall be entitled to be heard and shall have process to enforce the attendance of witnesses.

(h) Separate Hearings. The Commission may, in its discretion, when complaint is made of more than one rate or charge, order separate hearings thereon and may consider

and determine the several matters complained of separately and at such times as it may prescribe.

(i) Investigation of Unreasonable Rates. Whenever the Commission shall believe that any rate or charge may be unreasonable or unjustly discriminatory, or that any service is inadequate or can not be obtained or that an investigation of any matters relating to any public utility should for any reason be made, may, on its own motion, summarily investigate the same with or without notice. If, after making such investigation, the Commission becomes satisfied that sufficient grounds exist to warrant a formal hearing as to the matters so investigated, it shall furnish such public utility interested a statement notifying the public utility of the matters under investigation. Ten days after such notice has been given, the Commission may proceed to set a time and place for a hearing and an investigation as hereinbefore set out.

(j) Record of proceedings. A record shall be kept of all proceedings had before the Commission or any commissioner, or any form of investigation had, and all testimony shall be taken down by a stenographer appointed by the Commission, and all parties shall be entitled to be heard in person or by attorney.

(k) Certification of transcript. A transcript of the evidence and proceedings or any specific part thereof on any investigation taken by the stenographer appointed by the Commission, being certified under oath by such stenographer, to be a true and correct transcript of all the testimony on the investigation, carefully prepared by him from his original notes and to be a correct statement of the evidence and proceedings had on such investigation, so purporting to be taken and transcribed, shall be received in evidence with the same effect as if such reporter were present and testified to the facts so certified.

(l) Copies of transcripts furnished. A copy of such transcript shall be furnished, on terms fixed by the Commission, to any party to such investigation.

(m) Rules of Evidence. In the investigation, preparations and hearing of cases, the Commission shall not be bound by the technical rule of pleading and evidence, but in that respect it may exercise such discretion as will facilitate its efforts to understand and learn all the facts bearing upon the right and justice of the matters before it.

(n) Self-crimination. A claim that any testimony or evidence may tend to criminate the person giving the same shall not excuse such witness from testifying, but such witness shall not be prosecuted for any offense concerning which he may be compelled to testify; provided that no person testifying shall be exempted from prosecution and punishment for perjury committed in so testifying.

(o) At any time within sixty (60) days after an order has been made by the commission any person interested therein may apply for a rehearing in respect to any matter determined therein, and the commission shall grant and hold such a rehearing if in its judgment sufficient reasons therefor be made to appear, which rehearing shall be subject to such rules as the Commission may prescribe. Application for such a hearing shall not excuse any utility or person from complying with or obeying an order of the Commission, or operate in any manner to stay or postpone the enforcement thereof except as the Commission may by order direct. Any order of the Commission made after such rehearing shall have the same force and effect as an original order, but shall not affect any right, or the enforcement of any right, arising from or by virtue of compliance with the original order prior to the order made after rehearing.

(p) From any final action or order of the commission in the exercise of the jurisdiction, powers and authority conferred upon the commission by this act, an appeal shall lie to the circuit court of Franklin county, sitting in equity, and thence to the Court of Appeals of Kentucky. Such appeals from the orders and actions of the commission, and the supersedeas and stay of the action or order appealed from,

shall be governed by the provisions of law now in force or hereafter enacted respecting appeals in other cases.

(q) No preliminary injunction or interlocutory order, or decree or process suspending or restraining or affecting the enforcement of any action, order or determination of the commission shall be granted by any judge or court, except upon hearing, after at least five days' notice to commission.

(r) It shall be the duty of courts of competent jurisdiction to entertain and determine all actions commenced under the provisions of this act, and to enforce the provisions of this act, or of any order of the commission, by mandamus, or by injunction, or by any other appropriate remedy.

(s) Orders of Commission to be in Writing. Every order of the Commission shall be in writing, and in cases of importance may be accompanied by an opinion, setting forth in brief, the facts on which the commission has based its order. The commission shall provide for the assembling and publication from time to time of its opinions and orders.

(t) Adherence to Act. A substantial compliance by the commission with the requirements of this act shall be sufficient to give effect to all rules, orders, acts, and regulations of the commission, and they shall not be declared inoperative, illegal or void for any omission of a technical nature, in respect thereto.

§ 4. Definition. (a) The term "corporation," when used in this act, includes a municipality, a private corporation, an association, a joint stock association, or a business trust.

(b) The term "person," when used in this Act, includes a natural person, a partnership, or two or more persons having a joint or common interest, and a corporation as hereinbefore defined.

(c) The term "municipality," when used in this Act, includes a county, city, village, town, and any other public corporation existing, created or organized as a governmental unit under the constitution or laws of the State.

(d) The term "utility" or "utilities," when used in this Act, shall mean and include every person or group of persons not engaged solely in interstate business, that now or may hereafter own, operate, or lease (1) any plant, property or facility for the generation, production, transmission or distribution, sale or furnishing to or for the public, of electricity for light, heat or power, or other uses, including any conduits, ducts or other devices, materials, apparatus, or property for containing, holding or carrying conductors used or to be used, for the transmission of electricity for light, heat or power or other uses; (2) any plant, property or facility for the production, manufacture, storage, distribution, sale or furnishing to or for the public of natural or manufactured gas for light, heat or power, or other uses; (3) the transporting or conveying of gas, crude oil, or other fluid substance by pipe line for the public for compensation; (4) any plant, property or facility for the supply, storage, distribution or furnishing to or for the public of water for manufacturing, municipal, domestic or other uses; (5) any plant, property or facility for the purpose of transmission or conveyance over wire, in the air or otherwise, of any message, either by telegraph, telephone, or intended for use to or for the public; (6) the transporting of persons or property by motor vehicles for the public, for compensation, over the public highways of Kentucky, but not including taxi-cab or truck service in cities or towns; (7) the transporting of persons or property by steamboat, steamboat company, or other boat or water craft by the use of steam, oil, gasoline or other means, for the public for compensation; (8) the transporting of persons or property by street, suburban or interurban railways, for the public, for compensation.

(e) The term "rate," when used in this Act, unless otherwise specified, shall mean and include the plural number,

as well as the singular, every individual or joint rate, classification, toll charge, or other compensation for service rendered or to be rendered by any utility, and every rule, regulation, practice, act, requirement or privilege in any way relating to such rate, fare, toll, charge or other compensation, and any schedule or tariff, or part of a schedule or tariff thereof.

(f) Unless otherwise specified, the term "service regulation," when used in this Act, shall mean and include every rule, regulation, practice, act or requirement in any way relating to the service or facilities of a utility, including the voltage of electricity, the heat units, pressure and candle power of gas; the purity and pressure of water, and, in general, the quantity and quality of any commodity or service or product described or mentioned in this Act.

(g) The term "Commission," when used in this Act, shall refer to the "Public Service Commission of Kentucky," unless otherwise indicated.

§ 5. Powers and Duties of the Public Service Commission. (a) Jurisdiction. The jurisdiction of the Commission shall extend to all public utilities in this Commonwealth as enumerated under Section 4 (d) of this Act.

(b) General Powers of the Commission to Regulate Public Utilities. The Commission is hereby given power to investigate all methods and practices of public utilities subject to the provisions of this Act; to require them to conform to the laws of this Commonwealth and to all reasonable rules, regulations and orders of the Commission not contrary to law; and to require copies of all reports, rates, classifications, and schedules, in effect and used by such utility, or other person, to be filed with the Commission, and also other information desired by the Commission relating to such investigation and requirements. The Commission may compel obedience to its lawful orders by mandamus or injunction or other proper proceedings in the Franklin Circuit Court,

and such proceedings shall have priority over all pending cases. Every order entered by the Commission shall continue in force until the expiration of the time, if any, named by the Commission in such order, or until revoked or modified by the Commission, unless the same be suspended, modified, or revoked by order or decree of the Franklin Circuit Court or the Court of Appeals of Kentucky.

(c) General Powers of Commission with Respect to Rates. The Commission shall have power to enforce, originate, establish, change and promulgate tariffs, rates, joint rates, tolls and schedules for all public utilities enumerated under Section 4 (d) of this Act and whenever the Commission after a hearing had, upon reasonable notice, upon its own motion or upon complaint finds that any existing rate, joint rates, tariffs, tolls, or schedules are unjust, unreasonable, insufficient or unjustly discriminatory or otherwise in violation of any of the provisions of this Act, the Commission shall by order fix just and reasonable rates, joint rates, tariffs, tolls or schedules to be followed in the future in lieu of those found to be unjust, unreasonable, insufficient or unjustly discriminatory or otherwise in violation of any provision of this Act. The Commission may change any intrastate rate, charge or toll which is unjust or unreasonable or any interstate charge, with respect to matters of purely local nature which have not been regulated by or pursuant to an Act of Congress, and may prescribe such rate, charge or toll as would be just and reasonable, and change or prohibit any practice, service or method of service in order to prevent unjust discrimination or favoritism as between persons or localities.

(d) Procedure for Changing of Rates. No public utility subject to the provisions of this Act shall change, suspend or annul any rate, joint rate, charge, rental or classification except after thirty days' notice to the Commission and the public, which notice shall plainly state the changes proposed to be made in the schedule then in force and the time when the proposed changed rates or changes shall go into effect. But

the Commission may enter an order suspending the proposed rate and prohibiting such public utility from putting such proposed new rate into effect pending the hearing and final decision of the matter, in which case the proposed new rate shall stand suspended until it is determined by the Commission whether or not the same is just and reasonable. The proposed charges shall be shown by printing new schedules, or shall be plainly indicated upon the schedules in force at the time, and kept open to the public. Provided, however, that the Commission may, in its discretion, and for good cause shown, allow changes upon less time than the notice herein specified, or may modify the requirements of this section in respect to publishing, posting and filing of tariffs, either by particular instructions or by general order.

Whenever there is filed with the Commission by any such public utility any schedule stating a new rate, or rates, the Commission may either upon complaint or upon its own initiative, upon ten (10) days' notice enter upon a hearing concerning the lawfulness of such rate or rates; pending such hearing and the decision thereof, the Commission, upon filing with such schedule and delivering to the utility affected thereby a statement in writing of its reasons therefor, may, at any time before such rate, or rates, become effective, suspend the operation of such rate, or rates, but not for a longer period than one hundred and twenty (120) days beyond the time when such rate, or rates, would otherwise go into effect, unless the Commission shall find that a longer time will be necessary, in which case the Commission may extend the period for not to exceed an additional one hundred and twenty (120) days; provided, and notwithstanding any such order of suspension, such public utility may put such suspended rate, or rates, into effect upon the date when it or they would have become effective, if not so suspended, by filing with the Commission a bond in a reasonable amount approved by the Commission, with sureties approved by the Commission, conditional upon the refund, in a manner to be prescribed by order of the Commission, to the persons entitled thereto of the amount of the excess, if the rate or rates

so put into effect are finally determined to be excessive; or there may be substituted for such bond, other arrangements satisfactory to the Commission for the protection of the parties interested. After a period of ninety (90) days, upon final determination that such refund should be made, any party entitled to such refund may, after ten days' written demand and the failure on the part of the utility to make such refund, sue therefor in any court of competent jurisdiction of this State, and be entitled to recover, in addition to the amount of the refund due, all court costs and reasonable attorney's fees, but no suit may be maintained for that purpose unless instituted within two (2) years after such final determination. Any number of persons entitled to such refund may join as plaintiffs, and recover their claims in a single action; in which action the court shall render a judgment severally for each plaintiff as his interest may appear.

If, after such hearing, the Commission finds any such rate, or rates, to be unjust, unreasonable or unjustly discriminatory, or in any wise in violation of law, the Commission shall determine the just and reasonable rate or rates to be charged or applied by the utility for the service in question, and shall fix the same by order to be served upon the utility; and such rate or rates shall thereafter be observed until changed as provided by this Act.

(e) Unreasonable Regulations, Practices, and Services. Whenever, under the provisions of this Act, the Commission shall find any regulations, measurements, practices, acts or service to be unjust, unreasonable, insufficient or unjustly discriminatory, or otherwise in violation of any provision of this Act, or shall find that any service is inadequate, or that any service which is demanded cannot be reasonably obtained, the Commission shall determine and declare, and by order fix, reasonable measurements, regulations, acts, practices or service, to be furnished, imposed, observed and followed in this Commonwealth in lieu of those found to be unjust, unreasonable, insufficient, unjustly discriminatory, inadequate, or otherwise in violation of the provisions of

this Act, and shall make such other order respecting the same as shall be just and reasonable.

(f) Valuation of the Property of a Utility by the Commission. The Commission may, upon its own motion, at any time and upon reasonable notice to any utility, when the Commission deems it necessary to ascertain the value of the property of such utility, proceed to investigate, ascertain and report the value thereof, and shall make such investigation, ascertainment and report upon the request and application of any utility. To enable the Commission to make such investigation and report, if upon its own motion, it is authorized to employ such experts and other assistants as it may deem necessary. If such investigation and report be made upon the application of a utility, the same shall be made and the exports and assistants employed by the Commission for that purpose, shall be employed at the expense of the utility making such application. The Commission may appoint examiners who shall have the power to administer oaths, examine witnesses and take testimony in connection with any such investigation. In arriving at a valuation of the property of any utility as provided in this section—the Commission shall give due consideration to the history and development of the utility and its property, original cost, cost of reproduction as a going concern, and other elements of value recognized by the law of the land for rate making purposes. For the purpose of making such investigation, the members of the Commission and its duly authorized agents and employees shall at all reasonable times have free access to the property, accounts, records and memoranda of the utility whose property and rights are being valued and it shall be the duty of such utility to aid and cooperate with the Commission and its duly authorized agents and employees to the fullest degree for the purpose of facilitating such investigation. Upon the completion of the valuation of any utility, as herein provided, the Commission may thereafter keep itself informed of all extensions and improvements or other changes in the condition and values of the property of such utility, and may ascertain the value thereof, and may from

time to time revise and correct its valuation to the extent that may be necessary by reason of such extensions and improvements or other changes in the physical condition and resulting value of such property; and to this end every utility shall make such report and furnish such information as the Commission may require.

Whenever the Commission shall have completed its valuation and report of the property of any utility as herein provided, and before such valuation shall become final the Commission shall give notice to such utility stating the valuation placed upon the property valued and shall allow thirty days (30) in which such utility may file a protest of the same with the Commission. If no protest is filed within thirty days (30), the valuation fixed by such report shall become final as of the date thereof.

If notice of protest is filed by any utility whose property is so valued, the Commission shall fix a time for hearing the same and shall proceed as promptly as may be to hear and consider any matter relative and material thereto which may be presented in support of any such protest so filed. If, after hearing any such protest the Commission shall be of the opinion that its valuation should not be made final, it shall make such changes as may be necessary to do justice, and shall issue an order making such valuation as corrected final as of the date thereof, which order shall be a final order of the Commission. If after hearing any such protest the Commission shall be of the opinion that its valuation should be made final, it shall issue an order making such valuation final as of the date thereof, which order shall likewise be a final order of the Commission. Any such final order and the Commission's report of valuation upon which the same is based shall be a permanent public record of the Commission and shall be kept on file at its office.

(g) Authority to Enter Premises. The Commissioners and the officers and employees of the Commission may, during all reasonable hours, enter upon any premises of any public

utility, for the purpose of examining any books or records or for making any examination or test or for exercising any power provided for in this Act, and may set up and use on such premises apparatus and appliances necessary for any such examination or test. Such public utility shall have the right to be represented at the making of any such examination or test or inspections.

(h) Investigations. The Commission may on its own motion or whenever it may be necessary in the performance of its duties, investigate and examine the condition and management of public utilities or any particular utility. In conducting such an investigation the Commission may proceed either with or without a hearing as it may deem best, but it shall make no order without affording the parties affected thereby a hearing.

(i) System of Accounts. The Commission may establish a system of accounts to be kept by the public utilities, subject to its jurisdiction, or may classify such public utilities and establish a system of accounts for each class and prescribe the manner in which such accounts shall be kept. The Commission shall have the power and authority to examine and inspect at reasonable times and in a reasonable manner the books, records, accounts, plant, property and facilities of any public utility, subject to its jurisdiction, insofar as the same may be pertinent to any matter under investigation before the Commission. Every public utility, subject to the jurisdiction of the Commission, furnishing service within the State shall maintain an office located within the State, and in which shall be kept books of account, and a record of the business done in this State, and such other records, books or documents that the Commission may reasonably require be kept in this State. Every public utility, subject to the jurisdiction of the Commission when and as required by the Commission shall file with the Commission such annual or other reports or information as the Commission shall reasonably require. The Commission shall prepare and distribute to such public utilities blank forms for any information re-

quired under this Act. All such reports shall be under oath when required by the Commission.

Each such public utility shall keep its books, papers and records accurately and faithfully according to the system of accounts and regulations prescribed by the Commission, and shall comply with all reasonable directions and requirements of the Commission relating thereto.

(j) Issuance of Securities. Issuance of Guarantee of Securities by the Utility. From and after 120 days after the appointment and qualification of the three Commissioners herein provided for, no utility shall issue any securities, notes, bonds, stocks or other evidence of indebtedness, or assume any obligation or liability, as lessor, lessee, guarantor, indorser, surety or otherwise in respect to the securities, notes, bonds, stocks or other evidence of indebtedness, of any other person unless and until, and then only to the extent that, upon application by the utility, and after investigation by the Commission of the purposes and uses of the proposed issue and the proceeds thereof, or of the proposed assumption of obligation or liability in respect of the securities, notes, bonds, stocks or other evidence of indebtedness, of any other person, the Commission by order authorizes such issue or assumption. The Commission shall make such order only if it finds that such issue or assumption (a) is for some lawful object within the corporate purposes of the utility, (b) is compatible with the public interest, (c) is necessary or appropriate for or consistent with the proper performance by the utility of its service to the public as such utility and will not impair its ability to perform that service and (d) is reasonably necessary and appropriate for such purpose. Any such order of the Commission shall specify that such securities, notes, bonds, stocks or other evidence of indebtedness, or the proceeds thereof, shall be used only for the lawful purposes of such utility.

The Commission shall have power by its order, to grant or deny the application provided for in the preceding section

hereof, as made or to grant it in part or deny it in part, or to grant it with such modification and upon such terms and conditions as the Commission may deem necessary or appropriate in the premises.

Every application for authority for such issue or assumption shall be made in such form as the Commission may prescribe. Every such application and every certificate of notification hereinbefore provided for, shall be made under oath, signed and filed on behalf of the utility by its president, a vice-president, auditor, comptroller, or other executive officer having knowledge of the matters therein set forth and duly designated for that purpose by the utility.

Whenever any securities, notes, bonds, stocks or other evidence of indebtedness set forth and described in any such application for authority or certificate of notification as pledged or held unincumbered in the treasury of the utility, shall, subsequent to the filing of such application or certificate, be sold, pledged, repledged, or otherwise disposed of by the utility, such utility shall, within ten days after such sale, pledge, repledge, or other disposition, file with the Commission a certificate of notification to that effect, setting forth therein all such facts as may be required by the Commission.

Nothing herein shall be construed to imply any guarantee or obligation as to such securities, notes, bonds, stocks or other evidence of indebtedness on the part of the State of Kentucky.

The provisions of this Act shall not apply to notes issued by a utility for proper purposes and not in violation of law payable at periods of not more than two years from the date thereof, and shall not apply to like notes issued by a utility, payable at a period of not more than two years from date thereof, to pay, retire, discharge, or refund in whole or in part any such note or notes and shall not apply to renewals thereof from time to time not exceeding in the aggregate six years from the date of the issue of the original note or notes

so renewed or refunded. Nothing contained in this Act shall be construed as limiting the power of any court having jurisdiction to authorize or cause receiver's certificates or debentures to be issued according to the rules and practice obtaining in receivership proceedings in courts of equity.

The Commission may require periodical or special reports from each utility hereafter issuing any security, notes, bonds, stocks or other evidence of indebtedness, which shall show in such detail as the Commission may require, the disposition made of such securities, notes, bonds, stocks or other evidence of indebtedness, and the application of the proceeds thereof.

Securities, notes, bonds, stocks or other evidence of indebtedness, issued and obligations and liabilities assumed by a utility, for which under the provisions of this Act, the authorization of the Commission is required, shall not be contrary to any term or condition of such order of authorization entered prior to such issuance or assumption. Securities, notes, bonds, stocks or other evidence of indebtedness, issued or obligations or liabilities assumed in accordance with all the terms and conditions of the order of authorization therefor shall not be affected by a failure to comply with any provision of this Act or rule or regulation of the Commission relating to procedure and other matters preceding the entry of such order of authorization or order supplemental thereto. A copy of any order made and entered by the Commission as in this Act provided (duly certified by the secretary of the Commission) approving the issuance of any securities, notes, bonds, stocks or other evidence of indebtedness, or the assumption of any obligation or liability by a utility, shall, in and of itself, be sufficient evidence, for all purposes, of full and complete compliance by the applicant for such approval with all procedural and other matters required precedent to the entry of such order. Any utility which wilfully issues any such securities, notes, bonds, stocks or other evidence of indebtedness, or assumes any such obligation or liability, or makes any sale or other disposition of securities, notes, bonds,

stocks or other evidence of indebtedness, or applies any securities, notes, bonds, stocks or other evidence of indebtedness or the proceeds thereof to purposes other than the purposes specified in an order of the Commission with respect thereto, contrary to the provisions of this Act, shall be liable to a penalty of not more than ten thousand ($10,000) dollars, but such utility is only required to specify in general terms the purpose for which any securities, notes, bonds, stocks or other evidence of indebtedness, are to be issued, or for which any obligation or liability is to be assumed and the order of the Commission with respect thereto shall likewise be in general terms. The wilful act of any officer, agent or employee of a utility, acting within the scope of his official duties or employment, shall for the purpose of this section be deemed to be the wilful act of the utility. Actions to recover penalties under this Act shall be brought in the name of the State of Kentucky in any court of competent jurisdiction therein. Whenever any utility is subject to a penalty under this Act the Commission shall certify the facts to the Attorney General, who shall institute and prosecute an action for the recovery of such penalty, provided the Commission may compromise such action and dismiss the same on such terms as the court will approve. All penalties recovered by the State in such action, shall be paid into the State treasury to the credit of the general fund. All applications for the issuance of securities, notes, bonds, stocks or other evidence of indebtedness or assumption of liability or obligations shall be placed at the head of the Commission's docket and disposed of promptly, and all such applications shall be disposed of in sixty days after the same are filed with the Commission, unless it is necessary for good cause to continue the same for a longer period for consideration. Whenever such application is continued beyond sixty days after the time it is filed, the order making such continuance must state fully the facts necessitating such continuance.

(k) Certificate of Necessity and Convenience for Extensions. No plant, property, or facility for the production, transmission, delivery, or furnishing of gas, electricity, water,

telephone, or telegraph shall be constructed except ordinary extensions or existing systems in the usual course of business, until written application is made to the Commission for the issuance of a certificate of convenience and necessity and the issuance by the Commission of such certificate. Upon filing of any such application, and after a public hearing of all parties interested, the Commission may, in its discretion, issue, or refuse to issue, such a certificate of convenience and necessity and, if issued, may prescribe such conditions upon the issuance as it may deem advisable.

Unless exercised within a period designated by the Commission; but not exceeding four months from the grant thereof, exclusive of any delay due to the order of any court, or to failure to obtain any grant or consent, authority conferred by a certificate of convenience and necessity issued by the Commission shall be null and void; but the beginning of the construction of the line, system of works of such utility, in good faith, within the time prescribed by the Commission, and the prosecution of the same with reasonable diligence, shall constitute a compliance with such certificate. Any person or group of persons may come before the Commission and by petition ask that any utility, as defined under Section 4 (d) of this Act, be compelled to make any reasonable extensions, and the Commission shall proceed to hear and determine the reasonableness of such an extension, in the manner prescribed in this Act.

(l) Test of Appliances. The Commission shall have power to provide for the examination on test of any appliance used for the measuring of any product or service of the public utility as herein defined, and by its agents or examiners to enter upon any premises occupied by any public utility as herein defined for the purpose of making the examinations and tests provided for in this Act.

To fix the fees to be paid by any consumer or user of any product or service of any public utility as herein defined, who may apply to said Commission for such examination or

test to be made, and consumer or user may have any such appliances tested upon the payment of the fees fixed by the Commission, which fees shall be repaid to the consumer or user if the appliance be found defective or incorrect to the disadvantage of user, and in that event such fees shall be paid by the public utility concern. All fees collected shall be paid into the State Treasury, and credited to the Public Utility account.

(m) Authority of the Commission to Change Contract Rates. The Commission shall have power, under the provisions of this Act, to enforce, originate, establish, change and promulgate any rate, rates, joint rates, charges, tolls, schedules or service standards of any public utility, subject to the provisions of this Act, that are now fixed, or may in the future be fixed, by any contract, franchise or otherwise, between any municipality and any such public utility, and all rights, privileges and obligations arising out of any such contracts and agreements regulating any such rates, charges, schedules or service standards shall be subject to the jurisdiction and supervision of the Commission; provided, however, that no such rate, charge, schedule or service standard shall be changed, nor any contract or agreement affecting same shall be abrogated or changed until and after a hearing has been had before the Commission in the manner prescribed in this Act.

Nothing in this section or elsewhere in this Act contained is intended or shall be construed to limit or restrict the police jurisdiction, contract rights, or powers of municipalities or political subdivisions, except as to the regulation of rates and service, exclusive jurisdiction over which is lodged in the Public Service Commission.

(n) Regulation of Rates and Service by Municipal Contract. Rates and service regulations may hereafter be established by contracts between a municipality and utility for a specified term not exceeding twenty (20) years, but only by and with the approval of the Commission to be expressed by

its order. Utilities may contract with each other and with persons who are not utilities in respect of the use of their properties and facilities, the sale or exchange of water, gas, electricity, or other products or commodities, otherwise than pursuant to establish rates, the distribution to the public of such products and commodities jointly or singly, and the territory within which such joint or single service shall be rendered and other matters deemed to be of mutual advantage, subject, however, in all such cases to the approval of the Commission, but provided that no person shall participate in such distribution who is not a utility. Whenever any such contract shall be made it shall before becoming effective, be submitted to the Commission. If the Commission shall find the provisions of any such contract consistent with the public interest it shall approve the same. Otherwise it shall disapprove the same, and unless and until so approved, such contract shall be of no effect, but if it be approved it shall in all respect be lawful. Whenever a utility provides for itself by contract, as above provided, a source of supply of any product or commodity which it would otherwise be under the duty to generate or manufacture, it shall, to such extent as the Commission may order, be excused from the construction or maintenance of plants, facilities and equipment necessary for such generation or manufacture, provided, however, that fraud or collusion by either party shall invalidate the contract, no matter how long in force and give the Commission power to fix the rates.

§ 6. (a) All rights, powers, and duties devolved upon, now vested in and exercisable, or which may in the future be exercisable by the Department of Motor Transportation under the Constitution or laws of the Commonwealth of Kentucky, and more specifically the powers and duties imposed by Chapter 112 of the Acts of 1926, compiled as Section 2739j 1-41, inclusive, of Carroll's Kentucky Statutes, 1930 Edition, and by Chapter 109 of the Acts of 1928, compiled as Sections 2739k 1 and 2 of Carroll's Kentucky Statutes, 1930 Edition, and by Chapter 78 of the Acts of 1930, compiled as Section

2739l 1-8, inclusive, of the 1931 Supplement of Carroll's Kentucky Statutes, 1930 Edition, upon the said Department of Motor Transportation in reference to the control, regulation and supervision of Motor Transportation of persons or property for hire upon the public highways of Kentucky are hereby transferred to and vested in the Public Service Commission created by this Act, to be exercised and performed by it upon the following conditions: (1) The Commissioner of Motor Transportation as now provided for by Section 2739j-36 of Carroll's Kentucky Statutes, 1930 Edition, shall have the title of Deputy Commissioner of the Public Service Commission, and shall be appointed by the Governor for the term and at the salary now provided for by said Section 2739j-36. Said Deputy Commissioner shall have charge of the division of Motor Transportation hereby made a part of the Public Service Commission, and shall have control and supervision of all motor vehicles as defined in Section 4 (d) of this Act; provided, however, that such powers and duties of the said Deputy Commissioner shall ever be subject to the supervision and control of the Public Service Commission; (2) the fees to be paid for the control, supervision and regulation of such motor vehicles as defined in Section 4 (d) of this Act shall be paid in the same manner as now provided by law, and shall be used only for the maintenance of the Division of Motor Transportation; provided, however, the Division of Motor Transportation shall pay its proportionate part of the expense incurred in the payment of the salaries of the three commissioners and the attorney for the said Commission, and for this purpose such proportionate amount, to be determined by the Commission, for the payment of such salaries shall each year be transferred from the account of the Division of Motor Transportation into the account of the Public Service Commission; (3) the Commission shall have authority, upon the approval of the Governor, to appoint such assistants for the Division of Motor Transportation as are now provided for by law, and such assistants shall be paid the salary now provided by law.

(b) Upon the filing of any application or complaint be-

fore the Deputy Commissioner herein provided for, he shall present same to the Commission, who shall determine whether or not, in its discretion, a hearing upon said complaint shall be held before the entire Commission or any commissioner thereof, or before the Deputy Commissioner, and such hearing shall be conducted in the manner so prescribed by the Commission. Every order of any Commissioner or of the Deputy Commissioner shall be a final order when confirmed and certified by the Commissioner.

(c) Whenever the words, "Commissioner of Motor Transportation," or words denoting that officer, appear in those sections of the statute heretofore referred to, the same shall be construed to mean the Public Service Commission. All existing provisions not inconsistent with the provisions of this Act in relation to the supervision, regulation, and control of motor transportation of persons for hire over the public highways, are continued in force.

§ 7. Transfer of Powers to Public Service Commission. All rights, powers and duties devolved upon, now vested in, and exercisable by the Railroad Commission by the Constitution and laws of the Commonwealth of Kentucky, other than such as relate to steam railroads, and, more specifically, the powers and duties imposed by Chapter 61 of the Acts of 1920, now compiled as Sections 201e 1-26, inclusive, Carroll's Kentucky Statutes, 1930 Edition, and by Chapter 102 of the Acts of the General Assembly of 1922, now compiled as Sections 201g 1-20, inclusive, Carroll's Kentucky Statutes, 1930 Edition, upon the Railroad Commission in reference to express companies, telegraph companies, telephone companies, natural gas companies and natural gas transportation companies, are hereby transferred to and vested in the Public Service Commission, created by this Act, to be exercised or performed by it. Whenever the words "Railroad Commission" or other words denoting the Commission, in so far as the same relate to any of the public utilities mentioned in this section, appear in either of the statutes referred to in this section, the same shall be construed to mean the Public

Service Commission, which shall have and exercise the same measure of jurisdiction as that previously vested in the Railroad Commission.

All laws or parts of laws, or provisions of the Constitution, in relation to the Railroad Commission and the subject matter of jurisdiction thereof, heretofore existing and not inconsistent with this Act, shall be continued in force as under the jurisdiction of the Public Service Commission hereby created.

The Railroad Commission shall transfer and deliver to the Public Service Commission all books, maps, papers, files and records, of whatever nature or description, relating to any of the public utilities other than steam railroads.

§ 8. Duties and Privileges of Public Utilities Subject to the Regulation of the Commission.

(a) Rates. Every rate demanded or received by any public utility, or by any two or more public utilities jointly, shall be just and reasonable.

(b) Service. Every public utility shall furnish adequate, efficient, and reasonable service.

(c) Schedules. Under such rules and regulations as the Commission may prescribe, or that may be prescribed under this Act, every public utility shall file with the Commission, within such time and in such form as the Commission may designate, schedules showing all rates established by and collected or enforced. The public utility shall keep copies of such schedules open to public inspection under such rules and regulations as the Commission may prescribe.

(d) Adherence to Schedule. No public utility shall directly or indirectly, by any device whatsoever or in any wise, charge, demand, collect or receive from any person a greater or less compensation for any service rendered or to be ren-

dered by such public utility than that prescribed in the schedule, or schedules, of such public utility, applicable thereto then filed in the manner prescribed in this Act, or under such rules and regulations as the Commission may prescribe, nor shall any person receive or accept any service from a public utility for a compensation greater or less than that prescribed in such schedules.

(e) Discrimination. No public utility shall as to rates or service make or grant any unreasonable preference or advantage to any corporation or person or subject any corporation or person to any unreasonable prejudice or disadvantage. No public utility shall establish or maintain any unreasonable difference as to rates or service either as between localities or as between classes of service for doing a like or contemporaneous service under the same or substantially the same conditions. The Commission may determine any question of fact arising under this section.

§ 9. Assessment for Maintaining Commission and How Appropriated. (a) For the purpose of maintaining the Public Service Commission hereby established, including the payment of salaries, traveling expenses, printing, rent, light, heat, water, telephone, and all other overhead expenses and the expense of regulation and supervision by it of the utilities enumerated in Section 4 (d) of this Act, each of said utilities on or before July 1, 1932, and on or before July 1, 1933, shall pay to the State Treasurer of the Commonwealth of Kentucky a sum equal to one-twenty-fifth of one per centum of the total value that has been assessed against such public utility for the year 1931.

(b) On or before July 1st of each year thereafter such expense of maintaining said Commission shall be apportioned among and assessed upon said utilities by the Commission in proportion to the intra gross earnings or receipts of such utilities for the next preceding calendar year in which the assessments are made, providing, however, that the total amount so assessed shall not in any year exceed sixty thou-

sand dollars. All inspection fees shall be paid to the Treasurer of the Commonwealth of Kentucky on or before the first day of July, 1934, and on or before the first day of July of each year thereafter.

(c) In no event, however, shall the sum to be paid by any such utility for the maintenance of the Commission be less than twenty-five dollars in any one year.

(d) In respect to the assessment provided for in paragraph (b) of this section the Commission shall on or before July 1, 1934, and on or before July 1st of each succeeding year thereafter certify to the Auditor of State the amount of such assessment apportioned by it to each of said utilities and he shall certify such amount to the Treasurer of the State, who shall collect and pay the same into the State Treasury to the credit of a special fund for the maintenance of such Public Service Commission.

(e) To ascertain the amount of the assessment provided for in paragraph (b) of this section, each of said utilities shall on or before March 1, 1934, and on or before March 1st of each succeeding year thereafter file with the commission a report of its intra gross earnings or receipts for the preceding calendar years, and within sixty days, after the final date for such filing, the commission shall notify each of said utilities of the sum assessed against and to be paid by it hereinbefore provided.

(f) Should any amount of the sums paid by such utilities for the maintenance of the commission remain unexpended in the treasury at the end of any fiscal year, such amount so unexpended shall be applied pro rata on the same basis that the amounts of such payments were determined in said year, in the reduction of the payment to be made by such public utility for the next ensuing fiscal year for the maintenance of the commission.

(g) All expenses incurred in the administration of this

act shall be paid out of the public utility account in the treasury on the Auditor's warrant for the payment of bills itemized and certified as correct by the Secretary of the Commission.

(h) Any such utility failing to make payment as herein provided for the maintenance of said commission shall forfeit and pay to the State one thousand dollars, and twenty-five dollars for each day such utility refuses, neglects or fails to make such payment, which forfeiture shall not release such utility from the payment of such assessment.

§ 10. Penalties. Every officer, agent, employee or stockholder of any public utility as enumerated in Section 4 (d) hereof, or other person who shall wilfully violate any provision of this act, or who procures, aids or abets any violation of this act by any such public utility shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than one thousand ($1,000.00) dollars, or be confined in jail not more than six (6) months, or both; and if any such public utility shall be a private corporation and shall violate any of the provisions of this act, or shall do any act herein prohibited, or shall fail and refuse to perform any duty imposed upon it under this act for which no penalty has been provided by law, or shall fail, neglect or refuse to obey any lawful requirement or order made by the commission, for every such violation, failure or refusal such public utility shall forfeit and pay into the treasury a sum not less than twenty-five ($25.00) dollars, nor more than one thousand ($1,000.00) dollars, for each such offense, said sum or sums to be credited by the State Treasurer to the public utilities account as hereinafter provided for. In construing and enforcing the provisions of this section the act, omission or failure of any officer, agent or other person acting for or employed by any public utility acting within the scope of his employment shall in every case be deemed to be the act, omission or failure of such public utility.

§ 11. Court Review. (a) Any public utility and any person or corporation in interest being dissatisfied with any

order of the commission fixing any rate or rates, tolls, fares, charges, schedules, joint rates or rates, or any order fixing any regulations, practices, acts or service may commence an action in the circuit court for Franklin County against the commission as defendant to vacate and set aside any such order on the ground that the rate or rates, tolls, fares, charges, schedule, joint rate or rates fixed in such order are unlawful, or that any such regulation, practice, act or service fixed in such order is unreasonable or unlawful, in which action a true copy of the petition shall be served upon the commission or its secretary, together with the summons.

(b) The answer of the commission to the petition shall be served and filed within ten days after service of the complaint, whereupon said action shall be at issue and stand ready for trial upon ten days' notice to either party, on the equity side of the docket of the Franklin Circuit Court. It shall not be necessary in the answer to deny verbatim the allegations of the petition, but a general denial thereof on behalf of the commission may be sufficient.

(c) Any person not a party to the action but having an interest in the subject thereof, may apply to the Franklin Circuit Court to be made a party and the court in its discretion shall thereupon order him to be brought in by intervening petition and upon the trial of the case and upon the judgment entered the court shall have power to make an independent investigation upon the law and the facts and shall not in respect thereto be bound by any of the findings or orders of the public service commission in regard to any matter or thing set forth in the petition.

(d) Every proceeding, action or suit to set aside, vacate or amend any determination or order of the commission, or to enjoin the enforcement thereof, or to defend in any way such order or determination from becoming effective, shall be commenced and every appeal to the courts shall be taken or exercised within ninety days after the entry or rendition of such order or determination, and the right to commence any

such action, proceeding or suit or to take or exercise any such appeal or right of recourse to the courts shall terminate absolutely at the end of such ninety days after the entry or rendition of such order or determination of the public service commission.

(e) No injunction shall issue in any proceeding, action or suit mentioned in this section suspending or setting aside any order of the commission, except upon application to the Circuit Court or the presiding judge thereof, and notice to the commission and any part interpleading and hearing; and no injunction shall issue in any other proceeding, action or suit in any court which shall have the effect of delaying or preventing any order of the commission from becoming effective, unless the parties to the proceeding before the commission in which such order was made are also parties to such proceeding, action or suit in such court, or shall have been brought in and made parties as provided by the civil code of procedure, or in such manner as the court or presiding judge thereof shall by order direct.

(f) No injunction shall issue in any such proceeding, action or suit suspending or setting aside any order of the commission or having the effect of delaying or preventing any order of the commission from becoming effective, unless an undertaking shall be entered into on the part of the plaintiff, together with good and sufficient surety in such sum as the court or presiding judge thereof shall direct to the effect that the plaintiff will pay for damages which the opposite party may have sustained by the delay or prevention of the order of the commission becoming effective, and to such further effect as such judge or court shall in discretion direct, and no order or judgment in any such proceeding, action or suit shall be stayed on appeal therefrom unless a like undertaking be entered into by the appellant.

(g) New Evidence. If upon trial of such action evidence shall be introduced by the plaintiff which is found by the court to be different from that offered upon the hearing be-

fore the commission or its authorized agent, or additional thereto, the court, before proceeding to render judgment, unless the parties to such action stipulate in writing to the contrary, shall transmit a copy of such evidence to the commission and shall set further proceedings in said action for fifteen days from the date of such transmission.

Upon the receipt of such evidence the commission shall consider the same and may alter, modify, amend or rescind its order relating to such rate or rates, tolls, charges, schedules, joint rate or rates, regulations, practice, act or service complained of in said action and shall report its action thereon to said court within ten days from the receipt of such evidence.

If the commission shall rescind its order complained of, the action shall be dismissed; if it shall alter, modify or amend the same, such altered, modified or amended order shall take the place of the original order complained of. Any party to the action aggrieved by such altered, modified or amended order may complain of same by an amended pleading, and the court shall thereupon consider the cause on the new issue so made and proceed to render judgment on such altered, modified or amended order as though made by the commission in the first instance. And judgment shall be rendered thereon as though made by the commission in its first instance.

If the original order shall not be rescinded or changed by the commission, judgment shall be rendered upon such original order.

(h) Burden of Proof. In all trials, actions or proceedings, arising under the provisions of this act or growing out of the exercise of the authority or powers granted hereunto the commission, the burden of proof shall be to the party adverse to the public service commission seeking to set aside any determination, requirement, direction or order of said commission, to show by clear and satisfactory evidence that

the determination, requirement, direction or order of the commission complained of is unreasonable or unlawful.

(i) Appeal to the Court of Appeals. Either party to said action within sixty days after entry of the order or judgment of the Circuit Court may appeal to the Court of Appeals of Kentucky, and such appeal upon the filing thereof in the office of the clerk of the Court of Appeals shall be docketed and advanced in similar manner as Commonwealth cases.

§ 12. Construction of Act. All laws or parts of laws in conflict with the provision of this act are hereby repealed. Each section of this act is hereby declared to be separate and independent of every other section thereof, and if for any reason any section or provision of this act shall be held to be unconstitutional or invalid, no other section or provision of this act shall be affected thereby, as the remaining parts of the act would have been passed by the General Assembly if such unconstitutional or invalid section or provision, if any, had been stricken out before the passage of this act by the General Assembly.

Senator Mehler moved that the amendment which he proposed February 29th to said bill be adopted.

The question being taken thereon, was decided in the negative.

Said amendment was rejected.

Senator Brock proposed the following amendment to said bill:

Amend S. B. 212, page 9, paragraph (O), line 12, by striking out the following words: "but shall not affect any right, or the enforcement of any right, arising from or by virtue of compliance with the original order prior to the order made after rehearing."

Senator Brock moved that said amendment be adopted.

The question being taken thereon, was decided in the affirmative.

Said amendment was adopted.

Senator Moore proposed the following amendment to said bill.

Amend printed substitute Senate Bill 212 by striking out of line 6, page 16, the word "reasonable" and inserting in lieu thereof the word "reasonably."

Also strike out of line 55, page 21, the word "no" and insert in lieu thereof the word "so."

Also strike out of line 101, page 23, the word "state" and insert in lieu thereof the word "Commonwealth."

Also strike out of line 4, Subsection K, page 23, the word "or" and insert in lieu thereof the word "of."

Also strike out of line 34, page 27, the word "determine" and insert in lieu thereof the word "determined."

Senator Moore moved that said amendment be adopted.

The question being taken thereon, was decided in the affirmative.

Said amendment was adopted.

Ordered that said bill be read the third time.

Senator Moore moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| W. W. Booles | Alex E. Johnson | R. H. Royster |
| H. M. Brock | L. C. Littrell | Dr. Lewis Ryans |
| Edwin C. Dawson | C.T.McCormick,Sr. | E. D. Stephenson |
| Thos. C. Ferguson | E. C. Moore | Joe Stewart |
| Chas. G. Franklin | D. C. Naive | F. M. White |
| Perry B. Gaines | Marion F. Pogue | Sewell B. Williams |
| Robert Humphreys | Dr. G. W. Ragan | Allie W. Young |
| Silas Jacobs | O. M. Rogers | |

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Those who voted in the negative were:

Wm. Mehler —1

Resolved that the title thereof be as aforesaid.

Senator Moore moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

## COMMITTEE REPORTS

Senator Allie W. Young of the Committee on Rules, to which had been referred bills of the following titles:

S. B. 8. An act to repeal, amend and re-enact Section 2 of Chapter 127 of the acts of the General Assembly of 1928, now Section 422b-3, Carroll's Kentucky Statutes, Baldwin's Revision of 1930, relating to tax on gasoline as defined in

said act, providing for the construction, repair and maintenance of rural route roads and star route roads, and empowering the County Highway Commission or any county authorities authorized to build roads to receive funds and construct repair and maintain rural mail roads and star route roads.

S. B. 10. An Act to amend and re-enact Section 4148 of the Kentucky Statutes, John D. Carroll's Edition, 1930, relating to revenue and taxation, when due, interest and penalty.

S. B. 11. An Act to define oleomargarine and prescribe regulations to govern the manufacture and sale thereof; provide for license to manufacturers and vendors thereof; to provide a tax on sales of oleomargarine; to provide for appointment by the Commissioner of Agriculture, of deputies to aid to carry out this Act; to provide an appropriation for the enforcement of this Act.

S. B. 12. An Act to amend Section 1730, Carroll's Kentucky Statutes, providing for the fees of jailers in the counties of the Commonwealth.

S. B. 18. An Act to amend Section 2554a-2, Kentucky Statutes, 1922 Edition, relating to the penalty and sale, bartering or giving away of spiritous, vinous, malt or intoxicating liquor, and fixing the penalty of same in case spiritous, vinous, malt or intoxicating liquor is sold, bartered, or given to an infant.

S. B. 19. An Act authorizing the free use of toll bridges and ferries owned by the State of Kentucky for the use of busses or other vehicles transporting school children. Also exempting from toll pupils traveling on foot.

S. B. 20. An Act to authorize the Governor of the Commonwealth of Kentucky to lengthen or extend the time for the payment of taxes, interest on taxes, and to give the proper relief to sheriffs when such delays be granted by the Governor's proclamation.

S. B. 24. An Act to repeal and re-enact Section 4399a, Subsection 8 of Baldwin's 1928 Supplement, to Carroll's 1922 Edition, Kentucky Statutes, relating to public schools.

S. B. 47. An Act amending and re-enacting Section 14 of Chapter 19 of the Acts of 1916, being an Act entitled: An Act for further regulation of fire insurance companies, agents, rates, fire prevention, etc., providing for the statements with application for license for agent, defining and enlarging powers and duties of the insurance commissioner in relation thereto, and repealing all laws in conflict herewith; approved March 15, 1916, which is now Section 762a-14, Carroll's Kentucky Statutes.

S. B. 50. An Act to make valid and enforceable provisions or agreements for the arbitration of disputes.

S. B. 55. An Act to amend and re-enact an Act known as Chapter 81 of the Acts of 1930 and further regulating fees for passenger automobiles.

S. B. 56. An Act to repeal and re-enact Section 281 of Carroll's Kentucky Criminal Code of Practice so as to give exceptions to the decisions of the court upon challenges to the panel, and for cause, or upon motions to set aside an indictment, and appeal to the Court of Appeals from such decisions.

S. B. 61. An Act to amend and re-enact Section 2266, Kentucky Statutes, 1930, Carroll's Edition, relating to the selection of juries in criminal cases.

S. B. 64. An Act regulating the shipment and sale of natural gas through pipe lines in the State of Kentucky.

S. B. 68. An Act to provide compensation for attorneys at law in counties which do not have continuous sessions of circuit court, appointed by judges of said circuit court, and judges of the county and quarterly courts, for their services rendered in defending persons charged with felonies.

S. B. 69. An Act to amend Section 2103, Subsection 2 of Carroll's Kentucky Statutes, so as to authorize judges of the city or police court to solemnize a marriage ceremony.

S. B. 71. An Act to amend Chapter 90, Section 10, Session of 1920, relating to rules for operation of vehicles.

S. B. 80. An Act to repeal, amend and re-enact Chapter 152 of the Acts of the General Assembly of 1930; and to repeal, amend and re-enact Section 9 of Chapter 149 of the Acts of the General Assembly of 1930; and to repeal, amend and re-enact Subsection 1 of Section 18 of Chapter 90 of the Acts of the General Assembly of 1920, as amended and re-enacted by Chapter 78 of the Acts of the General Assembly of 1924; and to repeal, amend and re-enact Section 30 of Chapter 112 of the Acts of the General Assembly of 1926; and to repeal, amend and re-enact Section 2 of Chapter 127 of the Acts of the General Assembly of 1928, being an Act relating to revenue and taxation, distributing the State revenue to the various departments, institutions and agencies of the State.

S. B. 82. An Act to provide for the more efficient and economical administration of justice in courts of justices of the peace in counties containing a population in excess of two hundred and fifty thousand, and to reduce the number of magisterial districts, therein, by amending and re-enacting Section 1079, of the Kentucky Statutes, to provide for the costs and fees thereof and for the payment of same to the county; for certain reports relating thereto; to fix the compensation and duties of justices of the peace, constables and recorders therein; for the appointment and payment of recorders and assistants defining their duties and requiring bonds therefrom, with surety; defining certain duties of constable and deputy constables, requiring bonds therefrom, fixing the places of holding such courts and providing for the equipment and maintenance of such places; fixing the filing fees and providing for rules of practise in said courts and fixing penalties for the violation by said officers of their duties.

S. B. 83. An Act to provide for the postponement of the

rendition of judgment and the use of probation in criminal cases, providing for the appointment and compensation of probation officers and defining their powers and duties.

S. B. 84. An Act to create a State Board of Probation, to define its powers and duties, and to provide for the appointment and compensation of a state director of probation and other employees and appropriating necessary funds from the general fund for its administration.

S. B. 90. An Act to exempt land owners from paying taxes on mineral rights owned by other parties and prescribing the manner of relief thereon.

S. B. 91. An Act to provide for the use of probation and the withholding of judgment in circuit courts of this Commonwealth, providing for the appointment of probation officers and defining their powers and duties.

S. B. 100. An Act to amend and re-enact Subsection 5, of Section 4357 of the Kentucky Statutes, Carroll's 1930 Edition, relating to the salaries of the Governor and circuit court judges.

S. B. 102. An Act to repeal and abolish in its whole and entirety Chapter XXX111, of the Acts of 1922, Kentucky Statutes.

S. B. 103. An Act to amend Sections 272, 273, 276 and 286 of the Civil Code of Practice, relating to injunctions, by adding to Section 272 a provision concerning industrial disputes; by adding to Section 273 a provision concerning industrial disputes; by adding to Section 276 a provision excepting injunctions in industrial disputes governed by Section 272; by adding to Section 286 the words "saving to the defendant the right to demand and have the fact of disobedience tried by jury."

S. B. 109. An Act to amend and re-enact Chapter 48 of

the Acts of the General Assembly of 1922, entitled: "An Act to amend and re-enact Section 110 of the Code of Practice in criminal cases relating to the presence of persons before the grand jury."

S. B. 110. An Act relating to witnesses for Commonwealth in felony cases, and amending and re-enacting Section 367, Carroll's Kentucky Statutes, 1930 Edition.

S. B. 115. An Act relating to intoxicating liquors and to repeal Section 2554a-17, Kentucky Statutes, 1930, Carroll's Edition, and being Section 17 of Chapter 33 of Acts of 1922.

S. B. 108. An Act relating to trustee of jury fund and providing for the abolishing of said office, and providing that the circuit court clerks of the various counties of the Commonwealth of Kentucky shall perform the duties required by law of the trustee of the jury fund, and repealing Section 2282, Carroll's Kentucky Statutes, 1930 Edition, and amending and re-enacting Section 1721, Carroll's Kentucky Statutes, 1930 Edition.

S. B. 117. An Act to regulate the distribution and sale, the selling or exposing for sale, of agricultural seed; defining same, providing for inspection thereof and fixing penalties for violation of this Act; naming the enforcing agent, prescribing his duties and empowering him to make rules and regulations necessary to carry out the intent and meaning of this Act; to appropriate money and provide means for carrying out its provisions; and, to repeal all laws or parts of laws in conflict with this Act.

S. B. 118. An Act appropriating four hundred and seventy-five ($475.00) dollars to M. Livingston & Co., on account of overpaid license taxes.

S. B. 121. An Act to assist ex-service men and women of Kentucky and their dependents, not otherwise provided for,

in preparing in proper form, presenting and prosecuting their claims before the proper Federal agencies, to obtain from the Federal government the relief authorized by Acts of Congress, and continuing in existence for that purpose and for the purpose of completing claims now in the process of adjudication, the Ex-Service Men's Commission of Kentucky, and appropriating money therefor; providing for the maintenance of an office, stenographic and clerical help to carry on the work of the commission.

S. B. 124. An Act appropriating money to geological survey to meet emergency expenditures occasioned by the burning of the building in which the geological survey was housed, on February 23, 1929.

S. B. 127. An Act to repeal and re-enact Section 4399a, Subsection 10, of Baldwin's 1928 Supplement of Carroll's 1922 Edition, Kentucky Statutes, relating to public schools, and being Section 10 of an Act creating a County Board of Education prescribing its duties, fixing the tenure of office and compensation of its members, providing for the election of a county superintendent by said board fixing his qualifications, compensation and term of office and prescribing his duties and fixing his bond, providing for the election of attendance officer by the County Board of Education, providing for the levy of tax for common school purposes in each county prescribing the duties of the county tax commissioner, the county clerk with reference to the assessment of the property subject to said tax and prescribing the duties of the County Board of Education and the Fiscal Court, levying said tax and prescribing the duties of the sheriff in collecting said tax and making his settlement to the Fiscal Court providing the manner of paying his commission for collecting same, prescribing the duties of the Fiscal Court with reference to making settlement with the sheriff for said tax providing for the employment of teachers, providing for the appointment of district trustees and prescribing their duties.

S. B. 143. An Act repealing Chapter 72 of the Acts of

the General Assembly of the Commonwealth of Kentucky for 1920, said Act being designated as Sections 1549A-1, 1549A-2, 1549A-3 and 1549A-4 of the Kentucky Statutes, Carroll's 1930 Edition, and re-enacting Subsection 1 of Chapter 7 of the Acts of the General Assembly of the Commonwealth of Kentucky for 1912, same being designated as Section 1550-1 of the Kentucky Statutes, Carroll's 1930 Edition, so as to require all elected officers to be nominated at a primary election except those specifically exempted in Subsection 2 of Section 1 of the above mentioned act of 1912.

S. B. 146. An Act repealing Chapter 142 of the Acts of the General Assembly of 1930.

S. B. 147. An Act to repeal and re-enact Section 4224b-8, Supplement of Carroll's Statutes, 1922 Edition, the same being Section 2 of Chapter 127, Acts of the General Assembly of the Commonwealth of Kentucky at its 1928 session relating to revenue and taxation, imposing an excise or license tax on gasoline so as to provide for the distribution of 20% or one-fifth of such net revenue equally among the 120 counties of the Commonwealth for a county road fund.

S. B. 155. An Act to repeal and re-enact Chapter 70 of the Acts of 1930 entitled, "An Act to assist disabled United States war veterans and their dependents in obtaining from the Federal Government the relief authorized by Acts of Congress, and creating for that purpose a voluntary commission, and providing for its office expense and salary of secretary" and providing for taking care of other expenses and making appropriation for all of said purposes.

S. B. 156. An Act appropriating money out of the treasury of Kentucky to be used and expended towards the improvement of "The Dr. Thomas Walker Memorial Park" in Knox County, Kentucky, now the property of the Kentucky State Park Commission, in fencing said park, plant and setting out therein appropriate trees and shrubbery, setting up permanent cornerstones and identifying markers and taking

care of and walling in the perennially flowing spring in the park area and otherwise beautifying said park.

S. B. 162. An Act to amend and re-enact Chapter 1, Section 37, of the Acts of 1930, requiring the sheriff to make annually a report to the County Board of Education for license collected on dogs.

S. B. 169. An Act repealing Sections 2007k-1, 2007k-2, 2007k-3, 2007k-4, 2007k-5, 2007k-6, 2007k-7, 2007k-8, 2007k-9, 2007k-10, of the Kentucky Statutes, Carroll's 1930 Edition, establishing the Kentucky Geological Survey, creating the office of director and State Geologist, providing for his appointment by the Governor, prescribing his duties, fixing his salary, providing for the appointment of assistants and making appropriations therefor and for the department.

S. B. 173. An Act creating a County Civil Service Board in counties of this Commonwealth in which there is located a city of the first class; providing for county patrols in counties having a city of the first class, prescribing the powers and duties of said Civil Service Board; repealing Sections 3780, 3781, 3782, 3783, 3784, 3785 and 3786 of Carroll's Kentucky Statutes compiled and edited by the Baldwin Law Book Company, and all laws and parts of laws in conflict herewith, and declaring an emergency to exist.

S. B. 180. An Act amending Section thirty-five hundred forty-four A-sixteen (3544A-16) of Carroll's Kentucky Statutes, 1930 Edition, relating to the charter of cities of the fourth class by repealing and re-enacting said section in amended form, said section, as re-enacted, authorizing suits by the council for taxes due, whether on property assessed or not assessed, and giving a like remedy to boards of education in cities of the fourth class where the boundaries of the school district are not co-terminal with those of the city; regulating jurisdiction and proceedings and declaring presumptions.

S. B. 160. An Act to amend and re-enact Section 1599a-

8a, Subsection 2, of the Kentucky Statutes, compiled by the Honorable John D. Carroll.

S. B. 182. An Act relating to the fiscal administration of the State Government and providing for retrenchment and reform therein, and, to that end, repealing all continuing and blanket appropriations, other than those hereinafter specifically excepted, so as to enable the Budget Commission to establish an adequate budget procedure, and to control more effectively state expenditures, and solely in pursuance of this purpose, to amend Sections 33a-14, 42e-1, 63c-21, 68n-15, 955a-9, 1925a-10, 2007k-9, 2054, 2054a-8, 2060a-13, 2060a-14, 2061a-27, 2290a-1, 2438a-2, 2438c-7, 2711a-53, 2711a-55, 3807, 3810, 3942b-1, 4223d-4, 4224b-8, and Subsection 4 of Section 2711a-128 and Subsection 8 of Section 2730f-4, Carroll's Kentucky Statutes, 1930 Edition, and Section 4018, Baldwin's Kentucky Statute Service, 1931 Edition, being Chapter 152 of the Acts of 1930, and Section 4376b-1, Baldwin's Kentucky Statute Service, 1931 Edition, being Section 1 of Chapter 36, Acts of 1930, and to repeal Sections 37-13, 42, 42c-3, 42f-6, 415a-6a, 415a-7, 415a-10, 2054a-20, 2061a-28, 2062c-1, 2062c-2, 3942d-2, 4018, 4535b-5, 4636f-5, Carroll's Kentucky Statutes, 1930 Edition, and Section 4202a-9, Baldwin's Kentucky Statute Service, 1931 Edition, being Section 9 of Chapter 149 of the Acts of 1930.

S. B. 178. An Act amending and re-enacting Section 1992a-18, Kentucky Statutes, Carroll's 1930 Edition.

S. B. 189. An Act to amend Sections 4643 and 4645a-5 of Carroll's Kentucky Statutes, Baldwin's 1930 Revision, relating to testimony in judicial proceedings.

S. B. 199. An Act to amend Section 701 of the Code of Civil Practice.

S. B. 39. An Act to repeal Sections 6, 7, 8, 9, 10 and 26 of Chapter 92, page 477, of the Acts of the General Assembly of 1914, being a portion of the Act providing for the Commis-

sion Form of Government for cities of the third class, and the sections repealed by this Act are now Sections 3480b-6, 3480b-7, 3480b-8, 3480b-9, 3480b-10 and 3480b-26 of Carroll's Kentucky Statutes, 1930 Edition, and providing in lieu thereof, that the mayor, commissioners, police judge and prosecuting attorney of the Police Court of cities of the third class, shall be nominated and elected as now provided by law for the nomination and election of State and county officers.

S. B. 245. An Act to create and establish the Banking and Securities Department of Kentucky; to provide for the appointment of officers and employees thereof; to designate the chief officer thereof as the banking and securities commissioner; to provide for the rights, duties and privileges of such officers and employees, to fix their salaries, and to provide for examination of all financial institutions organized and doing business under the laws of this Commonwealth; to prevent fraud, deceit or imposition in the sale or disposition of contracts, stocks, bonds or written evidence of debt, certificates showing present or future interest in any property or business enterprise or venture, or other securities sold or offered for sale within the Commonwealth of Kentucky by any person, persons, partnership, company, association, trust or corporation, foreign or domestic; authorizing the inspection of and such regulation and supervision of the business of any person, persons, firms, partnerships, companies, associations, trusts or corporations engaged in the business or any part thereof described in this Act as may be necessary to prevent fraud, deceit, or imposition in the sale or offering for sale within this Commonwealth of any contract, stocks, bonds, written evidence of debt, or of certificates showing present or future interest in any property, business enterprise or venture, or other securities mentioned in this act; providing penalties for a violation of this Act; and repealing certain statutes and all laws in conflict herewith.

S. B. 276. An Act to prescribe the qualifications of special deputy banking commissioners performing duties connected with the liquidation and distribution of insolvent banks.

S. B. 386. An Act entitled an Act to amend section and re-enact Sections 868 and 868-A of Kentucky Statutes, Carroll's 1930 Edition, relating to profits and losses of building and loan associations and distribution thereof and contingent or reserve fund of such associations.

S. B. 457 An Act to change and re-arrange the Twenty-seventh and Twenty-eighth Judicial Districts of Kentucky; to provide for holding Circuit Courts in each of said Judicial Districts as hereby changed and re-arranged, and continuing the present Judges and Commonwealth Attorneys in office in the districts changed as such in the same numbered district to which each was elected.

S. B. 461. An Act creating the Kentucky World's Fair Commission (1933), defining its powers and duties, and making an appropriation therefor, for the purpose of participating in a Century of Progress, an International Exposition to be held at Chicago, Ill., beginning June 1, 1933, and ending November 1, 1933.

S. B. 459. An Act to repeal Sections 2007k-1 to an including Section 2007k-10, Carroll's Kentucky Statutes, 1930 Edition, relating to the Kentucky Geological Survey, and enacting in lieu thereof a new Act creating the Bureau of Mineral and Topographical Survey; defining its rights, powers and duties; transferring the property of the Kentucky Geological Survey to said bureau, providing for the removal of said property; and repealing all laws or parts of laws in conflict herewith.

S. Res. 42. A resolution providing for the payment of money to G. W. Lawrence and J. V. Carder for extra services in caring for the elevators in the State Capitol Building during the present session of the General Assembly.

H. B. 370. An Act to repeal Chapter 15, Acts of 1930, appropriating for the State Banking Commission for the purpose of paying salaries, printing, stamps, supplies, and

other expenses of the operation and maintenance of said department, all fees realized from examinations of the sundry banks and building and loan associations as provided by law for the fiscal year ending June 30, 1930, and enacting in lieu thereof an act providing that the banking department shall have for the purpose of paying all salaries, printing, stamps, supplies and other expenses of the operation and maintenance of said department, all the fees realized from examinations of the sundry banks and building and loan associations, as provided by law.

S. B. 6. An Act to repeal Section 3 of Chapter 170 of the Acts of the General Assembly of 1930, relating to embalming.

S. B. 7. An Act to repeal and re-enact Section 929, Kentucky Statutes, Baldwin's 1930 Revision of Carroll's Kentucky Statutes, in relation to the appointment, qualifications, terms, vacancies, removal for cause of county treasurer.

S. B. 25. An Act to repeal Section 1599a, Subsection 16 of Chapter 42a, of Carroll's 1922 Edition, Kentucky Statutes, being an Act of the General Assembly of 1904 as amended.

S. B. 62. An Act to amend Section 230 of the Constitution of Kentucky.

S. B. 70. An Act to amend Section 4168k, Kentucky Statutes, Carroll's Edition, Supplement 1931, the same being Section 11 of Chapter 150, of the Acts of the General Assembly of 1930, approved March 15, 1930, and to fix the fees of county clerks for recording certificates of transfer and releases of tax claims evidenced by certificates of transfer and repealing laws in conflict herewith to the extent of such conflict.

S. B. 108. An Act relating to trustee of jury fund and providing for the abolishing of said office, and providing that the circuit court clerks of the various counties of the Commonwealth of Kentucky shall perform the duties required by law of the trustee of the jury fund, and repealing Section

2282, Carroll's Kentucky Statutes, 1930 Edition, and amending and re-enacting Section 1721, Carroll's Kentucky Statutes, 1930 Edition.

S. B. 119. An Act relating to Notaries Public, providing for the repeal, amendment, and re-enactment of Section 3721-2 of Carroll's Kentucky Statutes, 1930 Edition, providing for appointment of Notaries Public, with jurisdiction State wide in Kentucky, also with jurisdiction in one county only.

S. B. 133. An Act authorizing the County Court Clerks to issue hunting and fishing licenses to any resident of the Commonwealth of Kentucky, who has served as, or is now a soldier, sailor, marine or army nurse in the Army or Navy of the United States of America.

S. B. 178. An Act amending and re-enacting Section 1992a-18, Kentucky Statutes, Carroll's 1930 Edition.

S. B. 184. An Act to amend Section 110 of Carroll's Criminal Code of Practice, Baldwin's 1927 edition.

S. B. 186. An Act to amend Section 1594 of Carroll's Kentucky Statutes, Baldwin's 1930 revision, relating to prosecutions for offenses in elections.

S. B. 187. An Act to amend Section 2251 of Carroll's Kentucky Statutes, Baldwin's 1930 Revision.

S. B. 190. An Act to amend Section 237 of Carroll's Criminal Code of Practice, Baldwin's 1927 edition, relating to separate trials in felony cases.

S. B. 196. An Act to provide for the safety of persons employed in and about coal mines, and to provide for the examination of persons seeking employment therein in order that only competent persons may be employed as miners, and to create a board of examiners for this purpose and to provide a penalty for a violation of the same, and appropriating certain funds to pay the salary and expenses of such board.

S. B. 210. An Act to enlarge the authority, powers and jurisdiction of the State Railroad Commission of the Commonwealth of Kentucky, so as to more effectively provide for the supervision, inspection, and regulation by said commission in the public interest of the construction, maintenance and operation of public utilities and of their service, rules, regulations, management and practices; fairs, rates and charges; facilities and plants; franchises, licenses and contracts; and their valuations, financing and securities; to provide for the payment of fees for supervision and inspection by utilities, and to provide measures rules, and regulations for the enforcement of the Commission's orders, and penalties for failure to comply with the orders of the Commission or with the provisions of this act; authorizing the judiciary to so construe, by adding to or taking from, any clause or phrase any double or erroneous construction so as to give to this act its full and intended construction so as to give effect and force in its application; giving to the Commission the power to appoint such experts, managers, referees, and other necessary assistants as in their opinion may be necessary to carry out the effect of this act.

S. B. 236. An Act to amend Section 37 of Chapter 1 of the 1930 Acts of the General Assembly of the Commonwealth of Kentucky, which is now sub-section 68b-37 of Baldwin's 1930 supplement to Carroll's Kentucky Statutes, entitled "Disposition of moneys collected under this Act."

S. B. 272. An Act appropriating money for the operation and maintenance of the various departments, boards, commissions, institutions, and agencies of the State Government of the Commonwealth of Kentucky for the fiscal years ending June 30, 1933, and June 30, 1934, designating the funds and sources from which said appropriations are to be paid, and prescribing the manner in which same are to be paid, and repealing all annual blanket and/or continuing appropriations not provided for in this Act, and all laws or parts of laws in conflict with any provision thereof.

S. B. 273. An Act to establish as a part of the Primary

System of State Highways of the Commonwealth of Kentucky, a road from London in Laurel County to Whitley City in McCreary County.

S. B. 319. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

S. B. 386. An Act entitled, An Act to amend Sections and re-enact Sections 868 and 868-A of Kentucky Statutes, Carroll's 1930 Edition, relating to profits and losses of Building and Loan Associations and distribution thereof and Contingent or Reserve Fund of such associations.

S. B. 395. An Act to amend and re-enact Section 4883 of Carroll's Kentucky Statutes, Edition of 1930, being Section 4 of an Act entitled: "An Act to provide an elective system of Workmen's Compensation for industrial accidents," and known as Chapter thirty-three of the Acts of the General Assembly of the Commonwealth of Kentucky.

S. B. 456. An Act to authorize the Kentucky State Park Commission to acquire by the exercise of the right of eminent domain in condemnation proceedings, or by gift, devise, purchase or any other lawful means for the transfer of title, the lands described therein for a public State Park or for public park purposes, and providing that said Park be named jointly by the State Commission on Conservation and Development of Virginia and the Kentucky State Park Commission.

S. B. 454. An Act authorizing the funding of certain indebtedness of the Commonwealth of Kentucky, which is evidenced by outstanding State warrants, by the issuing of funding bonds, and acknowledging and confirming the validity of such warrants and the indebtedness evidenced thereby, and waiving all and singular defenses, if any, of the Commonwealth in relation thereto, and prescribing the powers and duties of the State Budget Commission in the premises, and providing for a sinking fund for the payment of such bonds and the interest thereon.

S. B. 460. An Act to amend and re-enact Section 1549A-1, Article 12, Carroll's Kentucky Statutes, 1930 Edition, by adding after the words "United States Senators" at the end of said Section the words "and members of the House of Representatives of the National Congress," so that when said section is amended and re-enacted it shall read as follows:

H. B. 17. An Act relating to the writing, for a charge or premium, of either fidelity or surety bonds, for and on behalf of non-resident of the Commonwealth of Kentucky by corporate surety companies, conditioned for the faithful performance by any principal therein named, of any obligation in such bond undertaken or referred to, for the performance in the State of Kentucky of any duty contract or obligation in said bond undertaken or referred to, and requiring that such bond be executed or countersigned by a non-salaried agent of such surety, licensed and resident in the State of Kentucky, and requiring the payment by such surety to such agent of the full, usual and customary commission currently paid by such surety to such agent of the full, usual and customary commission currently paid by such surety on the premiums on such bonds, and providing penalties for violation of this Act.

H. B. 167. An Act making it unlawful to operate any machine or contrivance whereby money or other things may be won or lost and commonly known as a slot machine; providing for penalties against the premises used in the violation of this Act, prescribing the duties of ministerial, peace and police officers under the provisions of this act and punishment for their failure to enforce same; exempting from its provisions betting or wagers on races in enclosures and supervised by the State Racing Commission and providing penalties for its violation.

H. B. 285. An Act concerning the paying out of money of this Commonwealth for salaries, board bills, traveling expenses and any and all other expenses incident to the performance of any duty of each and every officer, agent, appointee and employee of this Commonwealth, and requiring reports to be made each month by the heads of departments, com-

missioners, chairmen of boards and subordinates for traveling expenses, board bill, salaries and all other expenses before the payment of same, and prohibiting other than those expressly authorized by law of this Commonwealth; providing for the liability on the bonds of the officers whose duty it is to fix and pay salaries or expense accounts, and prescribing the punishment for a violation of the provisions of this act.

H. B. 397. An Act invalidating provisions in fire insurance policies denying liability and defeating payment of the insurance because of failure of title to property, except in cases of fraud and misrepresentation.

H. B. 648. An Act to require a public utility company to pay interest at rate of six (6) per cent annually on amounts they exact as deposits as security for the payment of gas, electric and water accounts.

H. B. 56. An Act to amend Section one thousand, seven hundred and thirty, Carroll's Kentucky Statutes, providing for the fees of jailers in the counties of this Commonwealth.

S. B. 98. An Act to amend and re-enact Chapter 129 of the 1930 Acts of General Assembly of the Commonwealth of Kentucky, entitled An Act relating to fees of jailers, amending Sub-section, 1, of section 356-1, of Kentucky Statutes, Carroll's 1922 Edition.

S. B. 211. An Act to change the county lines between the counties of Casey and Boyle.

S. B. 214. An Act to repeal Section 1148a-1, 1148a-2, 1148a-3, 1148a-4, 1148a-5, 1148a-6, 1148a-7 1148a-8, 1148a-10, 1148a-11, 1148a-13, 1148a-14, Carroll's Kentucky Statutes, 1930 Edition relating to Criminal Syndicalism and Sedition.

S. B. 215. An Act repealing, amending and re-enacting Section 4426b-1, Kentucky Statutes, relating to subdistrict trustees, the election of same, vacancies now filled, changing

the time and hours of such election and providing that such election shall be by secret ballot.

216. An Act to repeal Chapter 15, acts of 1930, appropriating for the State Banking Commission for the purpose of paying salaries, printing, stamps, supplies, and other of the operation and maintenance of said department, all fees realized from examinations of the sundry banks and building and loan associations as provided by law for the fiscal year ending June 30, 1930, and enacting in lieu thereof an act providing that the banking department shall have for the purpose of paying all salaries, printing, stamps, supplies, and other expenses of the operation and maintenance of said department, all the fees realized from examinations of the sundry banks and building and loan associations, as provided by laws.

S. B. 224. An Act relating to the publication of the legal notice required by law to be published in the newspapers.

S. B. 226. An Act to amend Section four hundred and ten of the Civil Code of Practice.

S. B. 228. An Act further regulating the use of motor vehicles on the public highways, by providing for issual and revocation of drivers license, keeping record for violations of motor vehicle laws by such licensees; fixing penalties for violations of this law and placing duties upon officers.

S. B. 242. An Act to repeal Chapter 115 of the Acts of the General Assembly of 1930, Being:

S. B. 246. An Act creating a board of commissioners composed of the county judge, sheriff, and circuit court clerks of each county in Kentucky, to have control of a system of age pensions and providing for pensions to indigent persons over seventy years of age.

S. B. 252. An Act to repeal, amend and re-enact Section

one of chapter 152 of the Acts of the General Assembly of Kentucky of one thousand nine hundred and thirty, approved March 1, 1930, relating to revenue and taxation, same being Section 4019 as compiled in Baldwin's Kentucky Statute Service, 1930 addition supplementing Carroll's Kentucky Statutes and providing a fund for the purchase of free school books.

S. B. 256. An Act to amend Section 199-a Kentucky Statutes Carroll's Edition 1930, which section is the act of General Assembly of the year 1928, chapter 72, page 210, relating to the subject of burial Associations.

S. B. 257. An Act to repeal and re-enact Section 4426b-1, Kentucky Statutes, Baldwin's 1930 Edition relating to the election of subdistrict trustees.

S. B. 261. An Act to repeal and re-enact Sections 6, 9, and 15 of an act to repeal and re-enact an Act entitled An Act granting pensions to indigent and disabled Confederate Soldiers, which act became a law March 11, 1912, and which act repealing and re-enacting it was Chapter 22B, acts of 1914, page 115, and said Section 6, 9, and 15 of the 1914 Re-enacted Act as amended by Chapter 150 of the Acts of the General Assembly of the Commonwealth of Kentucky for 1928, page 521, of said Acts are now editions 415b-6, 415b-9 and 415b-15 of the Kentucky Statutes, Carroll's 1930 Edition.

S. B. 269. An Act relating to State project highway rights-of-way and allowing counties certain credits thereon.

S. B. 270. An Act to establish a commission of five representative Kentuckians for the purpose of ascertaining the number of units required for the efficient administration of the State Government, and for the purpose of grouping or combining certain counties as in the judgment of the Commission may be necessary; providing that they submit a report of their labors to the next General Assembly of Kentucky for its determination; appropriating money for the expenses of the Commission from the general fund of the State Treasury,

repealing all laws or parts of laws in conflict herewith, and declaring an emergency to exist.

S. B. 271. An Act to define and provide for a broad policy of conservation for the Commonwealth of Kentucky, and for this purpose the creating of a Department of Conservation; organizing and creating within the Department of Conservation divisions of Game and Fish, Forestry, and State Parks; for the more efficient and more economical operation and administration of the related activities of the Commonwealth, transferring the administration of game and fish, forestry, and State parks, to the Department of Conservation, and abolishing certain existing agencies; providing for and appropriating a separate fund from all income of the game and fish division, and providing the manner of and the placing of restrictions upon the expenditures of this Division; creating the officers of Commissioner of Conservation, chief of the Division of Game and Fish, Chief of the Division of Forestry, Chief of the Division of State parks, providing for necessary employees and outlining their powers and duties, and repealing all laws or parts of laws in conflict herewith, and declaring an emergency to exist.

S. B. 277. An Act to amend and re-enact Section No. 2518, Kentucky Statutes, Carroll's 1922 Edition, providing that a period of five years instead of two years, shall be the time when an action upon a merchant's account for goods, wares and merchandise sold and delivered, or any article charged in such store account, shall be commenced next after the cause of action occured.

S. B. 278. An Act prohibiting certain persons, corporations, associations and companies from engaging in the business of soliciting and accepting premiums or dues, and selling policies or contracts guaranteeing to owners of motor vehicles the services of attorneys, or providing for the towing of motor vehicles; or to hold themselves out to the public as authorized to engage in insurance business, or in the kind of business usually transacted by insurance companies, associations or

exchanges, although transacted under some other name or description, unless such corporation, associations and companies are incorporated or organized as insurance companies, associations or exchanges, and registered and licensed by the insurance department and providing penalties.

S. B. 279. An Act to amend Section 4238i-2 of the Kentucky Statutes, Carroll's 1930 Edition, entitled "Poll Tax, old age Exemption."

S. B. 287. An Act to amend and re-enact Section one, chapter ninety of the Acts of the General Assembly of nineteen twenty, as amended and re-enacted by Chapter one hundred and thirteen, acts of the General Assembly of 1926, entitled; "An Act relating to vehicles, regulating their use and operation upon the public highways of this Commonwealth; providing for the registration and licensing of motor vehicles; fixing the amount of the license, and manner of payment thereof; providing for the registration and licensing of operators of motor vehicles and the amount of such license; providing a method of registration of motor vehicles; preventing illegal traffic in motor vehicles; providing penalty for the violation of this Act, and repealing any and all conflicting laws."

S. B. 289. An Act further to regulate the practice of law.

S. B. 291. An Act relating to the employment of a zoning engineer in cities of the second class; authorizing the fiscal courts to employ said zoning engineer and fixing the amount of the compensation to be paid said zoning engineer.

S. B. 294. An Act repealing Section 3 of Chapter 49 of an act adopted by the General Assembly of Kentucky, March 22, 1922, entitled: "An Act to amend and re-enact Section 110 of the Code of Practice in criminal cases, relating to the presence of persons before the Grand Jury."

S. B. 295. An Act to amend and re-enact Section 2554a-17 Kentucky Statutes, which is an act creating a reward for fur-

nishing information resulting in the arrest and conviction of persons for illegally manufacturing intoxicating liquors so that said act when amended and re-enacted shall read as follows:

S. B. 299. An Act relating to revenue and taxation; providing for a tax upon the sale of lubricating oils.

S. B. 302. An Act to repeal Section 4076a-2 of Carroll's Kentucky Statutes, 1930 Edition, relating to fees of county court clerks.

S. B. 310. An Act to amend Chapter 64 of the 1930 Acts of the General Assembly of the Commonwealth of Kentucky.

S. B. 312. An Act to assist disabled ex-service men and women of the World War and veterans of other wars in obtaining from the Federal Government the relief authorized by Acts of Congress, and continuing in existence for that purpose the Kentucky Disabled Ex-Service Men's Board and appropriating funds therefor; providing maintenance of an office and stenographic help to carry on the work of said board.

S. B. 315. An Act to amend and re-enact Section 98a-7 of the Kentucky Statutes (Carroll's 1922 Edition).

S. B. 316. An Act to amend and re-enact section 1845, Carroll's Kentucky Statutes, 1930, edition, relating to compensation if members of fiscal courts.

S. B. 317. An Act submitting to the qualified voters of third class cities contracts for utility service for a period of more than two years.

S. B. 326. A Bill to establish the Kentucky State Board of Accountancy, to grant the board the usual and necessary administrative powers, to define a public accountant, to define the status of a certified public accountant, to prescribe conditions under which firms may practice public accounting,

to provide for the granting and issuing of certificates and registration cards to accountants who qualify under the provisions of this Act, etc., to determine the ownership of professional papers, to provide for revoking and cancelling or suspending certificates and cards so issued, to fix certificate and registration fees, to provide for an annual register, to regulate the practice of public accounting so as to afford protection to the public, to prohibit the practice thereof by non-registered persons, to recognize certain specifically listed exemptions, to provide a penalty for violations of its provisions, and to repeal all acts and parts of acts inconsistent with the provisions thereof.

S. B. 327. An Act to provide for the incorporation, regulation, merger, consolidation and dissolution of certain corporations for profit.

S. B. 331. An Act to raise revenue for the purchase of free text books; providing for a stamp tax on manufactured tobacco products and cigarette papers, setting up a special fund known as the free text book fund; providing that any money left in the free textbook fund at the beginning of the calendar year in excess of five hundred thousand dollars shall revert to the common school fund, designating how the fund derived from such taxes shall be expended, and providing penalties for the violation of the provisions of this Act.

S. B. 334. An Act authorizing the State Highway Commission of Kentucky, the State Park Commission of Kentucky, and the Fish and Game Commission of Kentucky, or any similar board or commission now or hereafter assuming, acting, or performing the functions and duties of these commissions or their equivalent, to associate themselves together or to contract separately or with each other or any two of them, in any manner or form said commission or commissions may deem to the best interests of the Commonwealth of Kentucky for the building, promotion, erection or improvement, in connection with the functions of either or all of them, for the purpose of benefiting the people of this State, or any bridge, dam, or improvement of any State Park or its

grounds, bridges, dams or buildings and authorizing the said commissions to designate in a contract or contracts or agreements in any manner whatsoever with each other or separately and to do any and all things necessary to accomplish a mutual purpose for the good of any State Park, highway bridge, or game and fish or game preserve, or sanctuary and authorizing the issuing of warrants, promises to pay, notes or credit certificates to accomplish the same.

S. B. 339. An Act to repeal Section 3766e-9, Carroll's Kentucky Statutes, 1930 edition, which is Section 9 of Chapter 164, Acts of 1928, approved by the Governor on February 29, 1928, and Section 2 of Senate Bill No. 4, which was approved by the Governor on February 5, 1932, both relating to the employment of attorneys for the Kentucky National Park Commission.

S. B. 340. An Act to amend Section 290a- of Carroll's Kentucky Statutes, 1930 Edition relating to employment of a teacher for the deaf-blind by adding certain words thereto.

S. B. 341. An Act repealing and re-enacting Sections 2711a-1 to 2711a-127, inclusive, and Sections 2711a-129 to 22711a-141, inclusive, of Chapter 86 of Baldwin's 1930 Supplement to the Kentucky Statutes, Carroll's 1922 Edition, same being an Act providing for the organization, armament, discipline and government of the militia and National Guard of Kentucky; providing for a Military Department of Kentucky, providing for the proper officer and other employees of said Department, same being intended to repeal and re-enact all of the present laws of Kentucky relating to the militia and National Guard except Section 2711a-128 of Baldwin's 1930 Supplement to the Kentucky Statutes, Carroll's 1922 Edition, which section is specifically exempted from the effect of the repeal and re-enactment herein provided for.

S. B. 342. An Act to amend and re-enact Section 5 of an Act entitled "An Act creating a Board of Trustees for the West Kentucky Industrial College, repealing Chapter 18

of the Acts of the General Assembly of 1918, and Chapter 100 of the Acts of the General Assembly of 1922, and Sections 489, 490 and 491 of Senate Bill No. 28, in the present session of the General Assembly" which was approved on March 27th, 1926, and is now chapter 91 of the Acts of the General Assembly of 1926.

S. B. 343. An Act to amend Section 4326 of Carroll's Kentucky Statutes, 1930 Edition, relating to the removal of county road engineer.

S. B. 346. An Act to amend Section 1835, Carroll's Kentucky Statutes, 1930 Edition, relating to Clerks of the Fiscal Court.

S. B. 347. An Act to amend Section 4325 of Carroll's Kentucky Statutes, 1930 Edition, relating to the office of road engineer.

S. B. 348. An Act to repeal, amend, and re-enact Section 2 of Chapter 127, Acts of the General Assembly of 1928, now Section 4224b-2, Carroll's Kentucky Statutes, 1930 Edition, relating to tax on gasoline; to provide for the distribution in part of said tax to the counties of the State for the construction, repair and maintenance of Rural mail roads, Star route roads and the State Primary system of roads, and for the payment of bonds issued by the counties for the construction of State Primary roads; and relating to the use and expenditure by the counties of said fund.

S. B. 353. An Act providing for the practice of barbering and beauty specialists, requiring the registration of barbers and apprentices and beauty specialists and apprentices, and the supervising of barber shops and beauty shops.

S. B. 356. An Act to amend and re-enact Section 1934, Kentucky Statutes, Carroll's 1930 Edition, relating to return of fugitives from justice from another State or territory.

S. B. 362. An Act to amend and re-enact Section 3751a,

Kentucky Statutes, Carroll's 1930 Edition, relating to the payment of premiums of bonds executed by State officials.

S. B. 363. An Act to amend the Workmen's Compensation Law of Kentucky in so far as same applies to appeals, and repeal sections 4936, 4937 and 4939 of said statute.

S. B. 364. An Act creating and establishing a hog caller's association, providing its organization, manner of electing its officers, and fees to be paid by members.

S. B. 365. An Act entitled "An Act to prohibit the habitual use of morphine, cocaine, eucaine, heroin, or any other derivative of opium or coca leaves, and prescribing the penalties for violation thereof.

S. B. 370. An Act to amend and re-enact Section 1472, Carroll's Kentucky Statutes, 1922 edition.

S. B. 371. An Act to amend and re-enact Section 2739j-32 of the Kentucky Statutes, Baldwin's 1931 Supplement, being a portion of Chapter 75 of the Acts of the General Assembly of 1930, entitled, "An Act to amend and re-enact Sections 2739j-22, 2739j-27 and 2739j-32 of the Kentucky Statutes, Baldwin's 1926 Supplement, being Sections 22, 27 and 32 of Chapter 112 of the Acts of the General Assembly of 1926, relating to the supervision and regulation of transportation of persons for compensation over public highways by motor propelled vehicles in this Commonwealth."

S. B. 372. An Act to repeal Chapter 25 of the Acts of the General Assembly of the Commonwealth of Kentucky of 1928, granting to women jurors the privilege and right to claim absolute and peremptory exemption from jury service.

S. B. 376. An Act to repeal Chapter 150 of the Acts of the General Assembly of the Commonwealth of Kentucky of 1930, approved by the Governor March 15, 1930, relating to the transfer of tax claims.

S. B. 377. An Act to amend and re-enact Section 356, Carroll's Kentucky Statutes, 1930 edition, relating to fees of jailers paid out of the State Treasury.

S. B. 379. An Act making it the duty of the County Superintendent of Schools to visit the schools of the county twice during each school year and make a report of the condition of the schools to the State Superintendent of Public Instruction, and providing a penalty for a violation thereof.

S. B. 380. An Act repealing, amending and re-enacting Section 3587a-19, Carroll's Kentucky Statutes, 1930 edition, relating to taxation in school districts, embracing cities of the fourth class.

S. B. 385. An Act dividing the State of Kentucky into thirty-eight (38) Senatorial Districts.

S. B. 388. An Act to amend Section 138 of the Constitution of the Commonwealth of Kentucky.

S. B. 392. An Act relating to articles of opaque substance being attached to windshields of automobiles to be designated as Section 2739i-4 as follows.

S. B. 393. An Act to promote county fairs, providing for their organization, authorizing the fiscal court to make appropriations therefor, and to submit to the voters of the county the question of levying a tax for the promotion and improvement therefor; providing for the awarding and offering of premiums, and declaring an emergency to exist.

S. B. 397. An Act to amend and re-enact Section 484 Civil Code of Practice of Kentucky (John D. Carroll's Edition, 1927) relating to the duties of Commonwealth attorneys to institute actions against usurpers of county offices and franchises, and defining county offices and franchises.

S. B. 401. An Act to regulate foreign guaranty and surety companies doing business in this Commonwealth.

S. B. 402. An Act to repeal, amend and re-enact Section 124 Carroll's Kentucky Statutes, 1930 Edition, relating to the Commonwealth's Attorney, his fees and salary.

S. B. 403. An Act relating to roads and highways; making Capital Avenue in the city of Frankfort a part of the primary highway system; authorizing its dedication by the city of Frankfort to the use and benefit of the Commonwealth; and giving to the State Highway Commission full power and authority to improve and maintain same.

S. B. 405. An Act to amend and re-enact Section one thousand seven hundred and thirty-one of the Kentucky Statutes, Carroll's Edition, one thousand nine hundred and thirty, relating to fees.

S. B. 406. An Act to amend and re-enact section one thousand seven hundred and thirty three of the Kentucky Statutes, Carroll's Edition of one thousand nine hundred and thirty, relating to fees.

S. B. 407. An Act to amend and re-enact section 1697, Subdivision 1, Article 15, Chapter 120, of the Kentucky Statutes, Carroll's Edition of 1930, entitled, Executions.

S. B. 409. An Act regulating the charges of tobacco warehousemen for the handling and sale of loose leaf tobacco, and imposing penalties for its violation.

S. B. 410. An Act providing for the certification of public School Administrators.

S. B. 411. An Act to amend and re-enact Section 5 chapter 174 of the Acts of 1926, session of the General Assembly, relating to a uniform system of accounting in the State and county governments, and providing for the installing and maintaining of this system, and the auditing of fiscal records in counties and taxing districts in the Commonwealth.

S. B. 415. An Act to amend and re-enact Section 112-1,

of Carroll's Kentucky Statutes, 1930 Edition, in relation to the official duties of the Attorney General, Commonwealth's Attorneys and County Attorneys.

S. B. 416. An Act to give authority to the board of Charities and corrections or its successor to employ chiropractors in the Charitable and penal institutions, to fix salaries and prescribe duties for same.

S. B. 417. An Act relating to motions to require circuit judges to vacate the bench because of disqualification in the trial of civil cases and criminal prosecutions, and providing for procedure on the disposition of such motions.

S. B. 418. An Act creating the offense of alarming, disturbing, hindering, obstructing or intimidating by violence, force or threats any officer of the Commonwealth of Kentucky in the matter of his official action or in the discharge of his duty or attempting so to do, and providing punishment therefor.

S. B. 419. An Act relating to tax levies of county school districts and amending Section 4399a-8 of Baldwin's 1930 Edition of Carroll's Kentucky Statutes.

S. B. 420. An Act to provide additional revenue for the common schools funds of the Commonwealth of Kentucky.

S. B. S. 421. An Act to extend the jurisdiction of the Franklin Circuit Court.

S. B. 427. An Act creating and establishing as a part of the State primary system of public roads the road beginning at the mouth of Jetts Creek in Breathitt Couny, Kentucky and running up Jetts Creek via Lee Ross to Booneville, in Owsley, County, Kentucky.

S. B. 430. An Act providing for the acquisition by the Commonwealth of Kentucky of the Stereotype plates, books, copyrights and all other proprietary rights and in the first

seventy-seven volumes of the Reports of the Court of Appeals of Kentucky from the present non-resident owners thereof in order that the Commonwealth may acquire, own and control the publication and sale of the same; and to provide for a commission to negotiate the purchase of same, subject to the approval of the Court of Appeals of Kentucky, and to arrange for the Storage of said property and for the reprinting, sale and distribution of said reports in the future.

S. B. 431. An Act to repeal Section 418a Carroll's Kentucky Statutes, 1930 Edition and to re-enact same dividing the Commonwealth of Kentucky into nine Congressional Districts.

S. B. 432. An Act setting up qualifications of principals of schools.

S. B. 433. An Act to amend and re-enact Section 3587a-13, Carroll's Kentucky Statutes, 1930 Edition.

S. B. 434. An Act relating to medical and physical examinations of minor pupils in attendance at public schools, or colleges, or universities under the control of city, county or State authorities.

S. B. 435. An Act amending and re-enacting Section 2000 Kentucky Statutes, Carroll's 1930 Edition being an act dividing the State of Kentucky into thirty-eight Senatorial Districts as provided in Section 33 of the constitution.

S. B. 438. An Act to divide the Commonwealth of Kentucky into nine Congressional Districts.

S. B. 439. An Act to divide the Commonwealth of Kentucky into nine Congressional Districts.

S. B. 440. An Act to divide the Commonwealth of Kentucky into nine Congressional Districts.

S. B. 442. An Act prescribing the qualifications of county

judges in counties having a city of the first, second, third and fourth class.

S. B. 443. An Act to amend and re-enact Section 4619 and 4625, Kentucky Statutes, Carroll's 1930 Edition, relating to the appointment and powers of the State inspector and examiner and his assistants, providing compensation therefor, and fixing penalty for violation of this act.

S. B. 444. An Act to amend and re-enact Section 1550-18 Carroll's Kentucky Statutes, relating to furnishing of ballots in Primary Elections.

S. B. 445. An Act to make all circuit courts in this Commonwealth, sitting in any county, containing a city of the second class, which are not now courts of continuous session, courts of continuous session for the trial of all cases arising in equity and at common law, and prescribing the practice and procedure therein.

S. B. 446. An Act placing a special privilege, tax, in addition to all other taxes, on cigars and/or cigarettes and providing for the collection of same.

S. B. 447. An Act to amend and re-enact Sub-section A of Section 2739g-2, Kentucky Statutes, Carroll's 1930 Edition, relating to registration by automobile owners or operators, and providing for the enforcement of this Act.

S. B. 448. An Act to amend and re-enact Section 1550-17 Kentucky Statutes, Carroll's Edition 1930.

S. B. 449. An Act relating to railroad Commissioners Districts.

S. B. 450. An Act establishing as part of the primary system of the State Highways a road from Flannerys Place on the Ollie James Highway to Dam 50 in Crittenden County.

S. B. 451. An Act establishing as part of the primary

system of State Highways, a road beginning at Hampton, Livingston County, to Lola.

S. B. 452. An Act to amend and re-enact Chapter 216 of the acts of the General Assembly of 1930, which is an act entitled, an Act to amend Chapter 222 of the Acts of the General Assembly of 1926, relating to roads and highways and extending the primary highway system by adding thereto a road from Dave Legrands Store on Federal Highway No. 60, via Doe Run Mill on the Old Garnettsville road to Lick Skillet thence to Garnettsville, thence to Muldraugh, connecting with Federal Highway No. 31.

S. B. 543. An Act to amend and re-enact Section 2 of Chapter 144 of the Acts of the General Assembly of 1930, relating to the duties of the Secretary of State.

S. B. 455. An Act to repeal, amend and re-enact Section 3828-a, of Carroll's Kentucky Statutes, 1930 Edition, relating to the application for paroles and granting of paroles to prisoners on approval of Governor.

S. B. 458. An Act to amend an Act, entitled "An Act relating to vehicles; regulating their use and operation upon the public highways of this Commonwealth; providing for the registration and licensing of motor vehicles; fixing the amount of license, and manner of payment thereof; providing for the registration and licensing of operators of motor vehicles and the amount of such license; providing a method of registration of motor vehicles; preventing illegal traffic in motor vehicles; providing penalty for the violation of this Act, and repealing any and all conflicting laws, "which said Act approved March 23, 1920, is Chapter 90, Acts of 1920, now section 2739-g, Carroll's Kentucky Statutes, by amending and re-enacting section 2 of said Act approved March 23, 1920, being Chapter 90, Acts of 1920, as amended by an Act approved March 23, 1924, being Chapter 87, Acts of 1922, by an Act approved March 27, 1924, being Chapter 79, Acts of 1924, by an Act approved March 19, 1926, being Chapter 109, acts

of 1926, and by an act of 1930, neither approved nor disapproved by the Governor, being Chapter 81, acts of 1930, Said Section 2, being section 2739g-2, Carroll's Kentucky Statutes, by amending and re-enacting sub-section F of said Section 2 of said Chapter 90, Acts of 1920, now Section 2739g-4, Carroll's Kentucky Statutes, by amending and re-enacting Section 50 of said Chapter 90 of 1920, as amended by an Act approved March 19, 1926, being Chapter 109, Acts of 1926, and by an Act approved March 17, 1928, being Chapter 108, Acts of 1928, Said Section 5 being now Section 2739g-5, Carroll's Kentucky Statutes; and by amending and re-enacting Subsection A and B of Section 3 of said Chapter 90, Acts of 1920, as amended by an Act of 1924 Being Chapter 80, acts of 1924, said Sub-sections being respectively sections 2739-g-10 and 2739-g11, Carroll's Kentucky Statutes.

H. B. 13. An Act to amend and re-enact Section 6, Chapter 154, of the Acts of 1893, entitled, "An Act in relation to the Auditor of Public Accounts, and entitled, 'Auditor,'" which was approved by the Governor on February 27, 1893, which is Section 143, Kentucky Statutes, 1930 Edition, which reads as follows: "A warrant of the Auditor upon the Treasurer shall state upon its face the date, amount and the name of the person to whom payable, and on what account, and out of what fund to be paid, and shall not be issued unless the money to pay the same has been appropriated by law; and he may require any claimant to state on the face of his claim the law under which it is payable." An emergency is hereby declared to exist and this Act shall take effect from and after its passage and approval by the Governor.

H. B. 14. An Act to amend and re-enact Section 9, page 607, Chapter 169, of the Acts of 1893, entitled, "An Act concerning the State Treasury," which was approved by the Governor on March 27, 1893, and which is Section 4680, Kentucky Statutes, 1930 Edition, which reads as follows "No money shall be paid out of the Treasury except upon the warrant of the Auditor, as now or may hereafter be provided by law, and then only by the check of the Treasurer upon a designated State Depository, and no check shall be given by the

Treasurer, even though the Auditor issues a warrant therefor, unless the law under which the money may be claimed expressly direct and orders that it shall be paid out of the Public Treasury. An emergency is hereby declared to exist and this Act shall take effect from and after its passage and approval by the Governor.

H. B. 15. An Act to amend and re-enact Section 1, Article 1, Chapter 192, Page 853, of the Acts of 1893, entitled "An Act relating to claims upon the Treasury," which is Article 1, Section 340, Kentucky Statutes, 1930 Edition, which reads as follows: "The claims upon the Treasury, specified in this chapter, shall be paid when due by the Treasurer to the persons entitled to the same, the warrant to be issued by the Auditor upon such proof of the service or demand as is herein required," and providing for the creation of a contingent fund to be used by the Governor, with the approval of the Sinking Fund Commission, to be used for emergency purposes. An emergency is hereby declared to exist and this Act shall take effect from and after its passage and approval by the Governor.

H. B. 24. An Act to repeal and to re-enact Section 341 of Carroll's Kentucky Civil Code of Practice; so as to provide that no more than two new trials shall be granted upon the ground that the verdict is not sustained by the evidence.

H. B. 26. An Act to authorize the Governor of the Commonwealth of Kentucky to lengthen or delay the time of payment of taxes, interest on taxes, and to give the proper relief to sheriffs when such delays be granted by the Governor's Proclamation.

H. B. 29. An Act appropriating Four Hundred and Seventy-five ($475.00) Dollars to M. Livingston & Co., on account of overpaid license taxes.

H. B. 43. An Act relating to jailers in counties containing cities of the second-class with a population of less than 70,000 and providing for the appointment of deputy jailers, guards

and turnkeys and regulating the salaries and pay of said jailers, deputy jailers, guards and turn-keys.

H. B. 57. An Act to amend and re-enact Section one thousand, one hundred and nineteen of the Kentucky Statutes, providing for the payment of costs on changes of venue in criminal cases granted on the application of the Commonwealth or the dependent, and providing that all the costs which would be borne by the county had the removal not been made, shall notwithstanding the removal be borne by said county from which the removal is made.

H. B. 59. An Act to amend Section one thousand, one hundred and twelve of Carroll's Kentucky Statutes, providing for removals on change of venue in certain criminal cases from one county to another, and for the payment of costs on such removals, and upon the trials after such removals are had.

H. B. 87. An Act to amend Section 415b-6, Carroll's Kentucky Statutes, 1930 Edition, relating to pensions for confederate soldiers, and declaring an emergency.

H. B. 97. An Act providing that all cities, counties and taxing districts in the Commonwealth of Kentucky shall when issuing bonds for any purpose whatsoever make provision for the payment of a certain portion of said bonds annually in addition to the interest on said bonds so that when the final maturity of said bonds is reached all of said bonds shall be paid off and retired.

H. B. 114. An Act to amend Section 4168k, Kentucky Statutes, Carroll's Edition, Supplement 1931, the same being Section 11 of Chapter 150, of the Acts of the General Assembly of 1930, approved March 15, 1930, and to fix the fees of County Clerks for recording certificates of transfer and releases of tax claims evidenced by certificates of transfer and repealing laws in conflict herewith to the extent of such conflict.

H. B. 121. An Act providing that monies in the sinking

funds in the counties, cities, towns and taxing districts of Commonwealth of Kentucky, at the end of each Fiscal year shall be applied to the payment and retirement of the outstanding bonds that are due or called, and if said bonds are not due or callable then bids are to be received by the Fiscal authorities of said counties, cities, towns or taxing districts, calling for prices on said bonds and authorizing said fiscal authorities to purchase said bonds at prices deemed reasonable.

H. B. 99. An Act to repeal Section 4151-2 of the Acts of the General Assembly of Kentucky of 1928, approved March 23, 1928, relating to taxation and revenue as set out in Chapter 129 in said Acts of 1928, General Assembly of Kentucky, which Section 4151-2 provided for interest and penalty on lands when sold for taxes, and amending and re-enacting said Section 4151-2 and providing for interest and penalty on lands sold for taxes and providing for redemption thereof.

H. B. 126. An Act to repeal, amend and re-enact Chapter 18 of Acts of General Assembly of 1924, being Section 1893-A, Subsections 10, 11, 12 and 13, Carroll's Kentucky Statutes.

H. B. 146. An Act to amend Section 3, Chapter 35, Acts of 1930 (Section 4421a-39, Baldwin's Supplement, Carroll's Kentucky Statutes, 1930 Edition), relating to the adoption of basal text books for use in county school districts and independent school districts, other than cities of the first, second, third or fourth classes, and to re-enact same as amended.

H. B. 149. An Act to authorize cities of the second, fourth, fifth and sixth classes to acquire and own, improve and extend, plants or works necessary for furnishing gas, and for electricity, for power, light and heat, and to issue bonds therefor, payable from the revenues of such plants or works.

H. B. 152. An Act to repeal and re-enact Sections 216a-1, 216a-7, 216aa-8, 216aa-16, 216aa-25, 216aa-27, 216aa-28, and to repeal Sections 216aa-4, 216aa-5, 216aa-6, of Carroll's Ken-

tucky Statutes, (Baldwin's Revision of 1930), relating to the State Board of Charities and Corrections, its management and supervision of the benevolent, charitable, eleemosynary, correctional and penal institutions of this state; declaring an emergency, and repealing all laws, or parts of law, in conflict herewith to the extent of such conflict.

H. B. 61. An Act to amend and re-enact Section 362 of the Criminal Code of Practice in relation to the appellate jurisdiction of circuit courts.

H. B. 160. An Act to amend and to re-enact Section 1847 of Chapter 52, Article 1, of Carroll's Kentucky Statutes, 1930 Edition, concerning election of commissioners which may constitute fiscal court.

H. B. 185. An Act to amend and re-enact Sections 280 and 281 of Chapter 8 of the criminal code of practice relating to bills of exceptions.

H. B. 250. An Act providing for the creation of an educational commission, prescribing its powers and duties and the duties of persons in connection with it, and fixing penalties for failure to perform same, and declaring an emergency.

H. B. 252. An Act defining and establishing the rights of ingress and egress, of abutting real estate owners, for the purpose of making necessary repairs and improvements upon their property.

H. B. 253. An Act to amend and re-enact Section 415b-6 of the Kentucky Statutes, 1930 Edition, relating to persons entitled to Confederate pensions.

H. B. 260. An Act to repeal Section 2554a-16, Kentucky Statutes, giving peace officers five dollars for making arrests of persons for violating the law prohibiting the sale of intoxicating liquors.

H. B. 277. An Act to fix and regulate the time for call-

ing the dockets of felony cases and fixing the date for the trial thereof and excepting therefrom that felony indictments may be tried at the term the indictments are returned.

H. B. 318. An Act providing that any person, firm, partnership, corporation or individual, doing business in this Commonwealth, when publishing or circulating any statement of its resources, shall be required in said statement to publish its liabilities, and providing a penalty for violation of this Act.

H. B. 319. An Act providing that when any corporation shall publish or cause to be circulated or published, a statement of its assets, that the surplus of the assets shall not be included with the capital stock of the corporation, and providing a penalty for violation of this Act.

H. B. 345. An Act relating to search and seizure, and amending and re-enacting Section 2554a-14, Carroll's Kentucky Statutes, 1930 Edition, and providing penalties for violations of this Act.

H. B. 425. An Act providing educational opportunities for the orphans of soldiers, sailors, and marines who were killed in action or died during the World War, and appropriating necessary money therefor from general fund.

H. B. 450. An Act for the benefit of Mrs. W. L. (Buddy) Moneymaker, whose husband, W. L. (Buddy) Moneymaker, lost his life in the performance of a public service, leaving the said Mrs. W. L. (Buddy) Moneymaker as his widow. Appropriating the sum of $3,000 from the General Expenditure Fund to the said Mrs. W. L. (Buddy) Moneymaker.

H. B. 452. An Act repealing and re-enacting Sections 4130, 4135, 4143, 4147 and 4148 of Carroll's Kentucky Statutes, 1930 Edition, which sections relate to revenue and taxation, and repealing all acts, parts of acts, and laws in conflict with this act.

H. B. 532. An Act to amend and re-enact Section 4238, Kentucky Statutes, Carroll's 1930 Edition, relating to revenue and taxation, so as to increase the State tax on the recording of certain instruments and marriage licenses.

H. B. 619. An Act relating to the creation of a State public building insurance fund, governing hazards of loss, damage or injury to State public buildings by fire, tornado, windstorm or other casualties, declaring an emergency to exist.

H. B. 628. An Act to repeal Section 3766e-9, Carroll's Kentucky Statutes, 1930 Edition, which is Section 9 of Chapter 164, Acts of 1928, approved by the Governor on February 29, 1928, and Section 2 of Senate Bill No. 4, which was approved by the Governor on February 5, 1932, both relating to the employment of attorneys for the Kentucky National Park Commission.

H. B. 654. An Act relating to revenue and taxation, repealing, amending and re-enacting Chapter 152 of the Acts of the General Assembly of 1930; and declaring an emergency to exist.

H. B. 783. An Act relating to revenue and taxation, imposing a tax on the sale of services and/or tangible personal property; providing for enforcement and collection; prescribing penalties for violation; repealing all conflicting laws, and declaring an emergency to exist.

H. Res. 2. Resolution memorializing Congress for relief for the tobacco growers of the United States.

H. Res. 5. Resolution requesting information as to salaries, and expenses of all state departments.

H. Res. 21. Resolution for the benefit of William E. Clark.

H. Res. 28. Resolution to obtain information from cer-

tain sources for the appointment of committees by Speaker of House and President of Senate.

H. Res. 40. Resolution of the two houses of the General Assembly of the Commonwealth of Kentucky.

H. Res. 54. Resolution designating a portion of State Highway No. 32 the Plummer Highway.

S. Res. 9. Resolution to appropriate the sum of $10,000 to erect a monument in honor of the memory of the Kentuckians who fell in the Civil War in the battles of first and second Mannassas (sometimes known as Bull Run).

S. Res. 10. Resolution authorizing James A. Sutton, by his statutory guardian or his next best friend, to sue the Commonwealth of Kentucky and the State Highway Commission or either.

S. Res. 11. Resolution to sue the State of Kentucky.

S. Res. 13. Resolution authorizing Ernest Miles and Mayme Miles respectively to file suits against the Commonwealth of Kentucky.

S. Res. 14. Resolution to appropriate $10,000 for a monument.

S. Res. 19. Resolution authorizing suit against the Commonwealth of Kentucky, by and through its State Highway Commission, on behalf of persons, firms and corporations who furnished labor, material, supplies and provender in the construction of a portion of the primary State highway system between Inez, Martin County, and Paintsville, Johnson County, Kentucky.

S. Res. 20. Resolution appropriating to H. G. Jorris $320.75 for reasons stated.

S. Res. 22. Resolution authorizing Phillip Gilbert and

Edna Gilbert to sue the Commonwealth of Kentucky and the State Highway Commission.

S. Res. 26. Resolution authorizing the auditor of Kentucky to pay Leila L. Wilhoit for stenographic work performed by her for the State of Kentucky.

S. Res. 27. Resolution authorizing A. J. Bush to sue the Commonwealth of Kentucky and the State Highway Commission or either.

S. Res. 28. Resolution authorizing Irvine Construction Co. to sue the Commonwealth of Kentucky.

S. Res. 31. Resolution authorizing J. F. Dorroh to file suit against the Commonwealth of Kentucky.

S. Res. 33. Resolution authorizing Mrs. Anna May Trigg to sue the Commonwealth of Kentucky and the State Highway Commission or either.

S. Res. 34. Resolution to require the University of Kentucky to play Centre College in football.

S. Res. 35. Resolution providing for furnishing Kentucky directories.

S. Res. 37. Resolution for the payment to the Herald-Post Co. of Louisville $792.83 for advertisements published on behalf of the Commonwealth of Kentucky.

S. Res. 38. Resolution creating Kentucky Rev. Com., fixing the duties thereof and providing for the appointment of the members of said commission and further providing for the payment of expenses incurred by said commission.

S. Res. 41. Resolution appropriating $703.50 out of the State treasury to Kathryn Brown.

Reported said bills and resolutions with expression of opinion that same ought to pass.

Said bills and resolutions were ordered to be read at length and placed on the calendar.

## ENROLLMENT REPORT

Senator Stewart of the Committee on Enrollment reported that they had examined and found correctly enrolled, bills and resolutions which originated in the Senate, of the following titles:

S. B. 253. An Act relating to elections.

H. B. 22. Bill to make June 3, "Confederate Memorial Day," a legal holiday.

H. B. 52. An Act to repeal and re-enact Section No. 4223c-1 of Carroll's Statutes of Kentucky, pertaining to tax on oil production, produced in the State of Kentucky.

H. B. 218. An Act relating to intoxicating liquors and to repeal Section 2554a-17, Kentucky Statutes, 1930, Carroll's Edition, and being Section 17 of Chapter 33 of Acts of 1922.

H. B. 72. An Act relating to roads and bridges and amending Chapter 398 of the Acts of the General Assembly, 1928, bearing upon Road Project 433, striking from the said road project as set out in said chapter certain directions and points designated in said chapter for said road to pass.

H. B. 102. An Act to further amend an act entitled "An Act for the government of cities of second class in the Commonwealth of Kentucky" which was approved March 19, 1894, and thereafter in due course became a law and as same has since been amended, all of which said act and amendments now appear as Article 3 of Chapter 89, Kentucky Statutes.

H. Res. 44. A resolution for the observance and com-

memoration of the death of Brigadier-General Casimir Pulaski.

Whereupon all other business was suspended; said bills and resolutions were read at length and compared in open Senate, and were found to be correctly enrolled. Thereupon, the President of the Senate, in open session, in the presence of the Senate, affixed his signature to said bills and resolutions.

Ordered that the Enrolling Clerk deliver said bills and resolutions to the House of Representatives.

After a time the Enrolling Clerk delivered the original and enrolled bills and resolutions which originated in the Senate, to the clerk.

Ordered that the Clerk deliver the enrolled bills and resolutions which originated in the Senate, and which had been signed by the presiding officers of the Senate and House of Representatives, to the Governor.

After a time, the Clerk reported that he had performed that duty.

## CALENDAR

Senator Holloway moved that the second reading of bills and resolutions at length be dispensed with and that they be read by their titles only.

Said motion was agreed to by a majority of the members elected.

It was ordered that the bills and resolutions be read by their titles only, and placed in the Orders of the Day.

Said titles to bills are as follows:

H. B. 362. An Act amending Section 579, Kentucky Stat-

utes, Carroll's 1930 Edition, relating to banks and banking, and empowering banks, trust companies, and combined banks and trust companies, to pledge certain assets as security for public funds of the United States, State, municipal, county, public schools, taxing districts, and other public funds.

S. B. 387. An Act to amend Section 3747a-1, Carroll's Kentucky Statutes, 1930 Edition, in relation to the publication of statements by officials collecting, receiving, having the custody, control, or disbursement of public funds within districts, cities, towns or subdivisions, the boundaries of which are less than a county.

S. B. 429. An Act to define bribery and other corrupt practices by public officers, deputies, assistants, clerks, and employees, prescribing penalties therefor, and vesting in the Franklin Circuit Court concurrent jurisdiction of criminal prosecutions against certain public officers, deputies, assistants, clerks and employees within the purview of this Act.

S. B. 359. An Act to repeal, amend and re-enact Section 165a-18, Carroll's Kentucky Statutes, Baldwin's Revision, Official Edition of 1930, relating to organized banks under the laws of this State.

S. B. 344. An Act to authorize the sewer commission of any city of the first class to sell bonds under par.

H. B. 112. An Act to amend Section 2103, Subsection 2, of Carrol's Kentucky Statutes, so as to authorize judges of the city or police court to solemnize a marriage ceremony.

Reported with expression of opinion that same ought to pass.

H. B. 170. An Act to amend and re-enact Sections 26 and 27 of Chapter 141 of the Acts of the General Assembly of 1893 as amended by Chapter 78 of the Acts of the General Assembly of 1910, being now Sections 2316 and 2317 of Car-

roll's Kentucky Statutes, Baldwin's Revision of 1930, relating to landlord and tenant and the lien of the landlord.

H. B. 649. An Act repealing and re-enacting Chapter 107 of the Acts of the General Assembly of the Commonwealth of Kentucky, enacted at the 1926 session, same being Sections 165-1 to 165-8, inclusive, of Baldwin's 1930 Supplement, to the Kentucky Statutes, Carroll's 1922 Edition, and also repealing and re-enacting Chapter 11 of the Acts of the General Assembly of the Commonwealth of Kentucky of 1930, same being Sections 165-9 to 165-24, inclusive, Baldwin's 1931 Kentucky Statute Service, Carroll's Kentucky Statutes. Said Acts hereby repealed relate to the creation of an Air Board for Kentucky; provide the number, qualifications, terms, power and other matters relating to said Board; provide for the creation of airports, buildings and facilities; provide for the licensing and registration of air men and aircrafts; authorizing the members of said Board to employ the necessary personnel, and to empower the Air Board of Kentucky to enforce laws relating to aviation.

Senator Ryans moved that the Senate do now adjourn.

Said motion was agreed to.

And the Senate adjourned.

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## WEDNESDAY, MARCH 2, 1932

The Senate was called to order by the President of the Senate, Lieutenant-Governor Albert B. Chandler.

The Senate was opened with prayer by Rev. Dr. O'Dwyer of the Frankfort Catholic Church.

The roll of the Senate was called and the following Senators answered to their names:

| | | |
|---|---|---|
| Jas. H. Bondurant | Wm. Isaacs | Marion F. Pogue |
| W. W. Booles | Silas Jacobs | Dr. G. W. Ragan |
| H. M. Brock | Alex E. Johnson | O. M. Rogers |
| Edwin C. Dawson | L. C. Littrell | R. H. Royster |
| Dr. T. J. Edge | Frank I. Lloyd | Dr. Lewis Ryans |
| Walter N. Flippin | Rev. C. D. McCaw | E. D. Stephenson |
| Chas. G. Franklin | C.T.McCormick,Sr. | Joe Stewart |
| Perry B. Gaines | Wm. Mehler | Fred C. VanHoose |
| Arch Hamilton | E. C. Moore | Sewell B. Williams |
| J. S. W. Holloway | Ray B. Moss | Gates F. Young |
| Robert Humphreys | D. C. Naive | —32 |

Senator Gates F. Young moved that the reading of the Journal be dispensed with and the Journal approved.

Said motion was agreed to.

Senator Gaines moved that the privileges of the floor be extended to Hon. P. M. Williams of Carrollton.

Said motion was agreed to.

Senator Dawson moved that the privileges of the floor be extended to Mr. V. A. Bowling, Sr., Mr. V. A. Bowling, Jr., and Mr. Jack Thompson.

Said motion was agreed to.

Senator Mehler moved that the privileges of the floor be extended to Miss Della Benner of Louisville.

Said motion was agreed to.

Senator Gates F. Young moved that the privileges of the floor be extended to Mr. Fred Weir and V. J. Steele of Owensboro.

Said motion was agreed to.

Senator Gates F. Young moved that the Senate recess until 11:30 o'clock A. M.

Said motion was agreed to.

## COMMITTEE REPORTS

Senator Allie W. Young of the Committee on Rules, to which had been referred bills of the following titles:

H. B. 549. An Act to amend and re-enact Section 98a-7 of the Kentucky Statutes, Carroll's 1922 Edition.

H. B. 353. An Act to change the county lines between the counties of Casey and Boyle.

H. B. 326. An Act to change and fix the time of terms of court in the tenth judicial district and the same to become effective on and after the 15th day of August, 1932, and repealing the acts of 1928.

H. B. 533. An Act to repeal and re-enact Chapter 4 of the Acts of the General Assembly of 1930, and Section 2380b-43, Kentucky Statutes, 1930 Edition, relating to the maintenance of public ditches.

H. B. 760. An Act to amend Section 4399a-7, Kentucky Statutes, Carroll's 1930 Edition, relating to powers and duties of County Board of Education.

H. B. 580. An Act to amend Section 861 of Chapter 144 of the Acts of 1918 as amended by the Acts of 1928; to amend Section 865 of Chapter 144 of the Acts of 1918 as amended by Acts of 1926; and to amend Section 874b of Chapter 144 of the Acts of 1918; being respectively Sections 861, 865 and 874b of Carroll's Kentucky Statutes of 1930, relating to building and loan associations and providing for the purchase of stocks and bonds in Federal Home Loan Banks; the borrowing of money therefrom; authorizing the State Banking Commissioner to permit examination of the records of his office

concerning building and loan associations by such banks and providing that building and loan associations of this State may do business with Federal Home Loan Banks. Also to amend Sections 868 and 868a of Chapter 144 of the Acts of 1918, being Sections 868 and 868a of Carroll's Kentucky Statutes of 1930, relating to profits and losses of building and loan associations and distribution thereof and to contingent or reserve fund of such associations and charging of losses and crediting of profits from sale of real estate thereto.

Reported said bills with expression of opinion that same ought to pass.

The Senate reconvened at 11:30 o'clock A. M.

Senator Royster moved that the privileges of the floor be extended to Messrs. Geo. Givens and Dudley Givens and Miss Wells of Henderson.

Said motion was agreed to.

Senator Bondurant moved that the privileges of the floor be extended to Mr. and Mrs. W. R. Gentry of Brandenburg.

Said motion was agreed to.

Senator Ferguson moved that the privileges of the floor be extended to Mr. Joe Hill of Frankfort.

Said motion was agreed to.

Bills of the following titles were introduced, referred and ordered printed, as follows, viz:

By Senator Franklin.

S. B. 462. An Act to amend and re-enact Section 75 of Carroll's Kentucky Criminal Code of Practice, Baldwin's 1932 revision, same being Chapter 44 of the Acts of the General

Assembly of 1924 as amended by Chapter 30 of the Acts of the General Assembly of 1927.

To Committee on Rules.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Section 75 of Carroll's Kentucky Criminal Code of Practice, Baldwin's 1932 Revision, and being Chapter 44 of the Acts of the General Assembly of 1924 as amended by Chapter 30 of the Acts of the General Assembly of 1926 be amended and re-enacted so that when so re-enacted it will read:

"In all cases, in the circuit court, when the defendant shall have been convicted of a felony, except in cases where the jury has inflicted the death penalty or life imprisonment; and except cases where the defendant has been convicted of robbery or burglary, or having in possession burglarious tools, as denounced and punished by Section 1159 of the 1930 Edition of Carroll's Kentucky Statutes, Baldwin's Edition; and except convictions for robbery of a bank, or safe, as denounced by Section 1159a of the same edition of the Kentucky Statutes; and except convictions for assault with intent to rob, as denounced by Section 1160 of the same statutes; and except convictions for kidnapping and holding a person for ransom, as denounced by Section 1157a of the same statutes; and except convictions for voluntary manslaughter where the punishment exceeds confinement in the penitentiary for five years, he shall be permitted to execute bond pending his appeal to the Court of Appeals.

"The substance of such bond shall be that he will render himself amenable to the orders and process of the courts, and if his case is affirmed he will surrender himself to the sheriff of the county of his conviction within thirty days after the

affirmance has become final, to be taken by such sheriff to prison as provided in the judgment of conviction, or if his case shall be reversed, he will appear in the next term of the circuit court in which he was convicted, which does not begin within less than ten days of the reversal of the judgment of the circuit court, again to answer said charge.

"The bond shall be for a penal sum sufficient to secure the defendant's appearance or his surrender to the court in execution of the judgment if it should be affirmed, and it may be executed before the circuit court or the trial judge at any time before the record is filed in the Court of Appeals, and after that time it may be executed before the Clerk of the Court of Appeals, and in all cases where a bond is allowable hereunder it shall be the duty of the trial judge to fix the sum for which it may be given by an order made a part of the judgment, and which amount so fixed shall govern the authority taking the bond as herein provided for. In either case the bond may be adjudged to be forfeited by order of the circuit court for non-compliance with its terms by the defendant."

§ 2. All laws or parts of laws in conflict herewith are hereby repealed.

By Senator Hamilton.

S. B. 463. An Act to amend and re-enact Section 4618b-1 and 4618b-2 of the 1930 Edition of Carroll's Kentucky Statutes relating to State Fair and the management and control thereof.

To Committee on Rules.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That Section 4618b-1 and 4618b-2 of the 1930 Carroll's

Edition of Kentucky Statutes be amended and re-enacted by striking from Section 4618b-1 the words "An annual" and by striking from line 5 of Section 4618b-2 the words "Each year" so that said section when amended and re-enacted shall read as follows, to-wit:

That a State Fair for the exhibition of agricultural, mechanical, horticultural, dairy, forestry, poultry, livestock, mineral and all other industrial interests of the State be, and the same is, hereby created to be known as the Kentucky State Fair.

4618b-2. Management and control; city to give bond income; permanent location; donations.—The management and control of this State Fair shall be in the hands of the State Board of Agriculture, forestry and immigration, and said board shall determine the time for holding said fair.

Until said fair shall be permanently located, said board shall determine the place for holding said fair each year. Provided, that the city or county where said fair is proposed to be held for any year, or the citizens thereof, shall furnish and provide to the said board, not later than the fifteenth of June, one thousand nine hundred and six, and thereafter, not later than the fifteenth day of May in each year, a bond or other good and sufficient security in the sum of ten thousand dollars ($10,000) to indemnify and guarantee said board against any loss which may be sustained by it in holding the fair for that year be insufficient to pay the expenses thereof for that year, then the said bond or other security, and the guarantor therein, shall be liable for, and subject to, the payment of the deficiency, not exceeding the amount of such bond or security. Provided, further, if, in any year in which the fair is held, at any place, the said board shall have funds on hand as the profits of previous fairs held at said place, the same shall be applied to the payment of any loss sustained, before the guarantors in the bond or other security above mentioned shall be liable for any sum. But the profits of any fair held at one place shall not be used to pay

losses sustained in holding the fair at any other place until the guarantee fund or bond above provided for shall have been first applied to that purpose.

As soon as practicable, said board shall advertise for, solicit and receive bids and propositions from the various cities and counties of the State, for the permanent location of the State fair, and said board shall determine upon a permanent location for said fair and shall permanently locate it at the city or place offering and affording, in the judgment of said board, the best inducements, for its permanent location, taking into consideration financial inducements, the geographical location of the place, its railroad facilities, and all other matters pertaining to, or which would effect, the permanent welfare and interests of said fair.

When said board shall have determined upon a place for a permanent location of said fair, it shall have the power to accept donations of lands or other thing of value, and may hold same by deed or contract for the use and benefit of said fair, and may purchase grounds and erect proper buildings and other improvements on same and on donated grounds and pay for same out of any funds it may have on hand from donations or profits from holding fairs, but shall not expend any part of the annual appropriation therefor. Said board shall keep any buildings thus owned by it insured in good and solvent fire insurance companies to the reasonable value of such buildings.

Said board is authorized to accept the donations of lands or other things of value, as above provided, conditioned upon the permanent location and continuation of said fair at the place making such donations and upon the continuation of the present State appropriation for said fair, and that said lands or other donations shall be returned to the city, county or individuals making same, upon the discontinuance of said fair or said appropriation: Provided, should any such donated grounds have been enhanced in value by the erection of improvements thereon by said board out of the funds of said

fair, by the State, then the said board, or the State, shall be reimbursed and shall have a claim and lien upon said lands to the extent of the value of such improvements at the time of the discontinuance of said fair or said appropriation.

## CALENDAR

Senator Gates F. Young moved that the second reading of bills and resolutions at length be dispensed with and that they be read by their titles only.

Said motion was agreed to by a majority of the members elected.

It was ordered that the bills and resolutions be read by their titles only, and placed in Orders of Day.

Said titles to bills are as follows:

S. B. 8. An Act to repeal, amend and re-enact Section 2 of Chapter 127 of the acts of the General Assembly of 1928, now Section 422-b-3, Carroll's Kentucky Statutes. Baldwin's Revision of 1930, relating to tax on gasoline as defined in said act, providing for the construction, repair and maintenance of Rural Route Roads and Star Route Roads, and empowering the County Highway Commission or any county Authorities authorized to build roads to receive funds and construct repair and maintain rural mail roads and star route roads.

S. B. 10. An Act to amend and re-enact Section 4148 of the Kentucky Statutes, John D. Carroll's Edition, 1930, relating to revenue and taxation, when due, interest and penalty.

S. B. 11. An Act to define oleomargarine and prescribe regulations to govern the manufacture and sale thereof; provide for license to manufacturers and vendors thereof; to provide a tax on sales of oleomargarine; to provide for appointment by the Commissioner of Agriculture, of deputies to aid to carry out this Act; to provide an appropriation for the enforcement of this Act.

S. B. 12. An Act to amend Section 1730, Carroll's Kentucky Statutes, providing for the Fees of Jailers in the Counties of the Commonwealth.

S. B. 18. An Act to amend Section 2554a-2, Kentucky Statutes, 1922 Edition, relating to the penalty and sale, bartering or giving away of spiritous, vinous, malt or intoxicating liquor, and fixing the penalty of same in case spiritous, vinous malt or intoxicating liquor is sold, bartered, or given to an infant.

S. B. 19. An Act authorizing the free use of toll bridges and Ferries owned by the State of Kentucky for the use of Busses or other Vehicles transporting School Children. Also exempting from toll pupils traveling on foot.

S. B. 20. An Act to authorize the Governor of the Commonwealth of Kentucky to lengthen or extend the time for the payment of taxes, interest on taxes, and to give the proper relief to sheriffs when such delays be granted by the Governor's Proclamation.

S. B. 24. An Act to repeal and re-enact Section 4399a Sub-section 8 of Baldwin's 1928 Supplement to Carroll's 1922 Edition, Kentucky Statutes, relating to public schools.

S. B. 47. An Act amending and re-enacting section fourteen of Chapter nineteen of the acts of 1916, being an act entitled; an act for further regulation of fire insurance companies, agents, rates, fire prevention, etc., providing for the statement with application for license for agent, defining and enlarging powers and duties of the insurance Commissioner in relation thereto, and repealing all laws in conflict herewith; approved March the fifteenth, nineteen hundred and sixteen; which is now Section seven hundred and sixty-two-a-fourteen; Carroll's Kentucky Statutes.

S. B. 50. An Act to make valid and enforceable provisions or agreements for the arbitration of disputes.

S. B. 55. An Act to amend and re-enact an Act known as Chapter 81 of the Acts of 1930 and further regulating fees for passenger automobiles.

S. B. 56. An Act to repeal and re-enact Section 281 of Carroll's Kentucky Criminal Code of practice so as to give exceptions to the decisions of the court upon challenges to the panel, and for cause, or upon motions to set aside an indictment, and appeal to the Court of Appeals from such decisions.

S. B. 61. An Act to amend and re-enact Section 2266 Kentucky Statutes, 1930, Carroll's Edition, relating to the selection of juries in criminal cases.

S. B. 64. An Act regulating the shipment and sale of natural gas through pipe lines in the State of Kentucky.

S. B. 68. An Act to provide compensation for attorneys at law in counties which do not have continuous sessions of circuit court, appointed by judges of said circuit court, and judges of the county and quarterly courts, for their services rendered in defending persons charged with felonies.

S. B. 69. An Act to amend Section 2103, Subsection 2 of Carroll's Kentucky Statutes, so as to authorize judges of the city or police court to solemnize a marriage ceremony.

S. B. 71. An Act to amend Chapter 90, Section 10, Session of 1920, relating to rules for operation of Vehicles.

S. B. 80. An Act to repeal, amend and re-enact Chapter 152 of the Acts of the General Assembly of 1930; and to repeal amend and re-enact Section 9 of Chapter 149 of the Acts of the General Assembly of 1930; and to repeal, amend and re-enact Subsection 1 of Section 18 of Chapter 90 of the Acts of the General Assembly of 1920, as amended and re-enacted by Chapter 78 of the Acts of the General Assembly of 1924; and to repeal, amend and re-enact Section 30 of Chapter 112 of the Acts of the General Assembly of 1926; and to repeal,

amend and re-enact Section 2 of Chapter 127 of the Acts of the General Assembly of 1928, being an Act relating to revenue and taxation, distributing the State revenue to the various departments, institutions and agencies of the State.

S. B. 82. An Act to provide for the more efficient and economical administration of justice in courts of justices of the peace in counties containing a population in excess of two hundred and fifty thousand, and to reduce the number of magisterial districts, therein, by amending and re-enacting sections one thousand seventy-nine, of the Kentucky Statutes, to provide for the costs and fees thereof and for the payment of same to the county; for certain reports relating thereto; to fix the compensation and duties of justices of the peace, constables and recorders therein; for the appointment and payment of recorders and assistants defining their duties and requiring bonds therefrom, with surety; defining certain duties of constable and deputy constables, requiring bonds therefrom, fixing the places of holding such courts and providing for the equipment and maintenance of such places; fixing the filing of fees and providing for rules of practice in said courts and fixing penalties for the violation by said officers of their duties.

S. B. 83. An Act to provide for the postponement of the rendition of judgment and the use of probation in Criminal cases, providing for the appointment and compensation of probation officers and defining their powers and duties.

S. B. 84. An Act to create a State Board of probation, to define its powers and duties, and to provide for the appointment and compensation of a State director of probation and other employees and appropriating necessary funds from the General Fund for its administration.

S. B. 90. An Act to exempt land owners from paying taxes on mineral rights owned by other parties and prescribing the manner of relief thereon.

S. B. 91. An Act to provide for the use of probation and

the withholding of judgment in circuit courts of this Commonwealth, providing for the appointment of probation officers and defining their powers and duties.

S. B. 100. An Act to amend and re-enact sub-section 5, of Section 4357 of the Kentucky Statutes, Carroll's 1930 edition, relating to the salaries of the Governor and circuit court judges.

S. B. 102. An Act to repeal and abolish in its whole and entirety Chapter XXXIII, of the Acts of 1922, Kentucky Statutes.

S. B. 103. An Act to amend Sections 272, 273, 276 and 286 of the Civil Code of Practice, relating to injunctions, by adding to Section 272 a provision concerning industrial disputes; by adding to Section 273 a provision concerning industrial disputes; by adding to Section 276 a provision excepting injunctions in industrial disputes governed by Section 272; by adding to Section 286 the words "saving to the defendant the right to demand and have the fact of disobedience tried by jury."

S. B. 109. An Act to amend and re-enact Chapter 48 of the Acts of the General Assembly of 1922, entitled "An Act to amend and re-enact Section 110 of the Code of Practice in criminal cases relating to the presence of persons before the grand jury."

S. B. 110. An Act relating to witnesses for Commonwealth in felony cases, and amending and re-enacting Section 367, Carroll's Kentucky Statutes, 1930 Edition.

S. B. 115. An Act relating to intoxicating liquors and to repeal Section 2554a-17, Kentucky Statutes, 1930, Carroll's Edition, and being Section 17 of Chapter 33 of Acts of 1922.

S. B. 108. An Act relating to trustee of jury fund and providing for the abolishing of said office, and providing that

the circuit court clerks of the various counties of the Commonwealth of Kentucky shall perform the duties required by law of the trustee of the jury fund, and repealing Section 2282, Carroll's Kentucky Statutes, 1930 Edition, and amending and re-enacting Section 1721, Carroll's Kentucky Statutes, 1930 Edition.

S. B. 117. An Act to regulate the distribution and sale, the selling or exposing for sale, of agricultural seed; defining same, providing for inspection thereof and fixing penalties for violation of this Act; naming the enforcing agent, prescribing his duties and empowering him to make rules and regulations necessary to carry out the intent and meaning of this Act; to appropriate money and provide means for carrying out its provisions; and, to repeal all laws or parts of laws in conflict with this Act.

S. B. 118. An Act appropriating Four Hundred and Seventy-five ($475.00) Dollars to M. Livingston & Co., on account of overpaid license taxes.

S. B. 121. An Act to assist Ex-Service Men and Women of Kentucky and their dependents, not otherwise provided for, in preparing in proper form, presenting and prosecuting their claims before the proper Federal Agencies, to obtain from the Federal Government the relief authorized by Acts of Congress, and continuing in existence for that purpose and for the purpose of completing claims now in the process of adjudication, the Ex-Service Men's Commission of Kentucky, and appropriating money therefor; providing for the maintenance of an office, stenographic and clerical help to carry on the work of the Commission.

S. B. 124. An Act appropriating money to Geological Survey to meet emergencey expenditures occasioned by the burning of the building in which the Geological Survey was housed, on February 23, 1920.

S. B. 127. An Act to repeal and re-enact Section 4399a Subsection 10 of Baldwin's 1928 Supplement of Carroll's 1922

Edition, Kentucky Statutes, relating to public schools, and being Section 10 of an Act creating a County Board of Education prescribing its duties, fixing the tenure of office and compensation of its members, providing for the election of a County Superintendent by said Board fixing his qualifications, compensation and term of office and prescribing his duties and fixing his bond, providing for the election of attendance officer by the County Board of Education, providing for the levy of tax for Common School purposes in each County prescribing the duties of the County Tax Commissioner, the County Clerk with reference to the assessment of the property subject to said tax and prescribing the duties of the County Board of Education and the Fiscal Court, levying said tax and prescribing the duties of the Sheriff in collecting said tax and making his settlement to the Fiscal Court providing the manner of paying his Commission for collecting same, prescribing the duties of the Fiscal Court with reference to making settlement with the Sheriff for said tax providing for the employment of teachers, providing for the appointment of district trustees and prescribing their duties.

S. B. 143. An Act repealing Chapter 72 of the Acts of the General Assembly of the Commonwealth of Kentucky for 1920, said Act being designated as Section 1549A-1, 1549A-2, 1549A-3 and 1549A-4 of the Kentucky Statutes, Carroll's 1930 Edition, and re-enacting Subsection 1 of Chapter 7 of the Acts of the General Assembly of the Commonwealth of Kentucky for 1912, same being designated as Section 1550-1 of the Kentucky Statutes, Carroll's, 1930 Edition, so as to require all elected officers to be nominated at a primary election except those specifically exempted in subsection 2 of Section 1 of the above mentioned act of 1912.

S. B. 146. An Act repealing Chapter 142 of the Acts of the General Assembly of 1930.

S. B. 147. An Act to repeal and re-enact Section 4224b-8 Supplement of Carroll's Statutes, 1922 edition, the same being Section 2 of Chapter 127, Acts of the General Assembly of the Commonwealth of Kentucky at its 1928 session relating

to revenue and taxation, imposing an excise or license tax on gasoline so as to provide for the distribution of 20% or one fifth of such net revenue equally among the 120 counties of the Commonwealth for a County Road Fund.

S. B. 155. An Act to repeal and re-enact Chapter seventy of the Acts of one thousand nine hundred and thirty entitled, "An Act to assist disabled United Spanish War Veterans, and their dependents in obtaining from the Federal Government the relief authorized by Acts of Congress, and creating for that purpose a voluntary Commission, and providing for its office expenses and salary of Secretary" and providing for taking care of other expenses and making appropriation for all of said purposes.

S. B. 156. An Act appropriating money out of the Treasury of Kentucky to be used and expended towards the improvement of "The Dr. Thomas Walker Memorial Park" in Knox County, Kentucky now the property of the Kentucky State Park Commission, in fencing said park, plant and setting out therein appropriate trees and shrubbery, setting up permanent corner stones and identifying markers and taking care of and walling in the perennially flowing springs in the park area and otherwise beautifying said park.

S. B. 162. An Act to amend and re-enact Chapter 1, Section 37, of the Acts of 1930, requiring the Sheriff to make annually a report to the County Board of Education for license collected on dogs.

S. B. 169. An Act repealing Sections 2007k-1, 2007-k-2, 2007k-3, 2007k-4, 2007k-5, 2007k-6, 2007k-7, 2007k-8, 2007k-9, 2007k-10, of the Kentucky Statutes, Carroll's 1930 Edition, establishing the Kentucky Geological Survey, creating the office of director and State Geologist, providing for his appointment by the Governor, prescribing his duties, fixing his salary, providing for the appointment of assistants and making appropriation therefor and for the Department.

S. B. 173. An Act creating a County Civil Service Board

in counties of this Commonwealth in which there is located a city of the first class; providing for county patrols in counties having a city of the first class, prescribing the powers and duties of said Civil Service Board; repealing sections 3780, 3781, 3782, 3783, 3784, 3785 and 3786 of Carroll's Kentucky Statutes compiled and edited by the Baldwin Law Book Company and all laws and parts of laws in conflict herewith, and declaring an emergencey to exist.

S. B. 180. An Act amending Section Thirty-five hundred forty-four A-sixteen (3544A-16) of Carroll's Kentucky Statutes, 1930 edition, relating to the Charter of cities of the fourth class by repealing and re-enacting said section in amended form, said section, as re-enacted, authorizing suits by the Council for taxes due, whether on property assessed or not assessed, and giving a like remedy to boards of education in cities of the fourth class where the boundaries of the school district are not co-terminal with those of the city; regulating jurisdiction and proceedings and declaring presumptions.

S. B. 160. An Act to amend and re-enact Section 1599-a-8a, Sub-section 2 of the Kentucky Statutes compiled by the Honorable John D. Carroll.

S. B. 182. An Act relating to the fiscal administration of the State government and providing for retrenchment and reform therein, and, to that end, repealing all continuing and blanket appropriations, other than those hereinafter specifically excepted, so as to enable the Budget Commission to establish an adequate budget procedure, and to control more effectively State expenditures, and solely in pursuance of this purpose, to amend Section 33a-14, 42e-1, 63c-21, 68n-15, 955a-9, 1925a-10, 2007k-9, 2054, 2054a-8, 2060a-13, 2060a-14, 2061a-27, 2290a-1, 2438a-2, 2438c-7, 2711a-53, 2711a-55, 3807, 3810, 3942b-1, 4223d-4, 4224b-8, and sub-section 4 of Section 2711a-128, and subsection 8 of Section 2730f-4, Carroll's Kentucky Statutes, 1930 Edition, and Section 4018, Baldwin's Kentucky Statute Service, 1931 Edition, being Chapter 152 of the Acts of 1930, and Section 4376b-1, Baldwin's Kentucky Statute Service, 1931 Edition, being Section 1 of Chapter 36, Acts of

1930, and to repeal Sections 37-13, 42, 42c-3, 42f-6, 415a-6a, 415a-7, 415a-10, 2054a-20, 2061a-28, 2062c-1, 2062c-2, 3942d-2, 4018, 4535b-5, 4636f-5, Carroll's Kentucky Statutes, 1930 Edition, and Section 4202a-9, Baldwin's Kentucky Statute Service, 1931 Edition, being Section 9 of Chapter 149 of the Acts of 1930.

S. B. 178. An Act amending and re-enacting Section 1992a, Kentucky Statutes, Carroll's 1930 Edition.

S. B. 189. An Act to amend sections 4643 and 4645a-5 of Carroll's Kentucky Statutes, Baldwin's 1930 revision, relating to testimony in judicial proceedings.

S. B. 199. An Act to amend Section 701 of the Code of Civil Practice.

S. B. 98. An Act to amend and re-enact Chapter 129 of the 1930 Acts of General Assembly of the Commonwealth of Kentucky, entitled An Act relating to fees of jailers, amending Sub-section 1, of section 356-1, of Kentucky Statutes, Carroll's 1922 Edition.

S. B. 211. An Act to change the county lines between the counties of Casey and Boyle.

S. B. 214. An Act to repeal Section 1148a-1, 1148a-2, 1148a-3, 1148a-4, 1148a-5, 1148a-6, 1148a-7, 1148a-8, 1148a-10, 1148a-11, 1148a-13, 1148a-14, Carroll's Kentucky Statutes, 1930 Edition relating to Criminal Syndicalism and Sedition.

S. B. 215. An Act repealing amending and re-enacting Section 4426b-1, Kentucky Statutes, relating to subdistrict trustees, the election of same, vacancies now filled, changing the time and hours of such election and providing that such election shall be by secret ballot.

S. B. 216. An Act to repeal Chapter 15, acts of 1930, appropriating for the State Banking Commission for the purpose

of paying salaries, printing, stamps, supplies, and other of the operation and maintenance of said department, all fees realized from examinations of the sundry banks and building and loan associations, as provided by law for the fiscal year ending June 30, 1930, and enacting in lieu thereof an act providing that the banking department shall have for the purpose of paying all salaries, printing, stamps, supplies, and other expenses of the operation and maintenance of said department, all the fees realized from examinations of the sundry banks and building and loan associations, as provided by laws.

S. B. 224. An Act relating to the publication of the legal notice required by law to be published in the newspapers.

S. B. 226. An Act to amend Section four hundred and ten of the Civil Code of Practice.

S. B. 228. An Act further regulating the use of motor vehicles on the public highways, by providing for issual and revocation of drivers license, keeping record for violations of motor vehicle laws by such licensees; fixing penalties for violations of this law and placing duties upon officers.

S. B. 242. An Act to repeal Chapter 115 of the Act of the General Assembly of 1930, Being:

S. B. 246. An Act creating a board of commissioners composed of the county judge, sheriff, and circuit court clerks of each county in Kentucky, to have control of a system of age pensions and providing for pensions to indigent persons over seventy years of age.

S. B. 252. An Act to repeal, amend and re-enact Section one of chapter 152 of the Acts of the General Assembly of Kentucky of one thousand nine hundred and thirty, approved March 1, 1930 relating to revenue and taxation, same being Section 4019 as compiled in Baldwin's Kentucky Statute Service, 1930 edition supplementing Carroll's Kentucky Statutes and providing a fund for the purchase of free school books.

S. B. 256. An Act to amend Section 199-a Kentucky Statutes Carroll's Edition 1930, which section is the act of General Assembly of the year 1928, chapter 71, page 210, relating to the subject of burial Associations.

S. B. 257. An Act to repeal and re-enact Section 4426b-1, Kentucky Statutes, Baldwin's 1930 Edition relating to the election of subdistrict trustees.

S. B. 261. An Act to repeal and re-enact Sections 6, 9, and 15 of an Act to repeal and re-enact an Act entitled an Act granting pensions to indigent and disabled Confederate Soldiers, which act became a law March 11, 1912, and which act repealing and re-enacting it was Chapter 22B, acts of 1914, page 115, and said Section 6, 9, and 15 of the 1914 Re-enacted Act as amended by Chapter 150 of the Acts of the General Assembly of the Commonwealth of Kentucky for 1928, page 521, of said Acts are now Sections 415b-6, 415b-9 and 415b-15 of the Kentucky Statutes, Carroll's 1930 Edition.

S. B. 269. An Act relating to State project highway rights of way and allowing counties certain credits thereon.

S. B. 270. An Act to establish a commission of five representative Kentuckians for the purpose of ascertaining the number of units required for the efficient administration of the State Government, and for the purpose of grouping or combining certain counties as in the judgment of the Commission may be necessary; providing that they submit a report of their labors to the next General Assembly of Kentucky for its determination; appropriating money for the expenses of the Commission from the general Fund of the State Treasury, repealing all law or parts of laws in conflict herewith, and declaring an emergency to exist.

S. B. 271. An Act to define and provide for a broad policy of conservation for the Commonwealth of Kentucky, and for this purpose the creating of a Department of Conservation; organizing and creating within the Department of

Conservation divisions of Game and Fish, Forestry, and State Parks; for the more efficient and more economical operation and administration of the related activities of the Commonwealth, transferring the administration of game and fish, forestry, and State parks, to the Department of Conservation, and abolishing certain existing agencies; providing for and appropriating a separate fund from all income of the game and fish division, and providing the manner of and the placing of restrictions upon the expenditures of this Division; creating the officers of Commissioner of Conservation, chief of the Division of Game And Fish, Chief of the Division of Forestry, Chief of the Division of State parks, providing for necessary employees and outlining their powers and duties, and repealing all laws or parts of laws in conflict herewith, and declaring an emergency to exist.

S. B. 277. An Act to amend and re-enact Section No. 2518, Kentucky Statutes, Carroll's 1922 Edition, providing that a period of five years instead of two year, shall be the time when an action upon a merchants account for goods, wares and merchandise sold and delivered, or any article charged in such store account, shall be commenced next after the cause of action occurred.

S. B. 278. An Act prohibiting certain persons, corporations, associations and companies from engaging in the business of soliciting and accepting premiums or dues, and selling policies or contracts guaranteeing to owners of motor vehicles the services of attorney, or providing for the towing of motor vehicles; or to hold themselves out to the public as authorized to engage in insurance business, or in the kind of business usually transacted by insurance companies, associations or exchanges, although transacted under some other name or description, unless such corporation, associations and companies are incorporated or organized as insurance companies, associations or exchanges, and registered and licensed by the insurance department and providing penalties.

S. B. 279. An Act to amend Section 4238i-2 of the Ken-

tucky Statutes, Carroll's 1930 Edition, entitled "Poll Tax, old Age Exemption."

S. B. 287. An Act to amend and re-enact Section one, chapter ninety of the Acts of the General Assembly of nineteen twenty, as amended and re-enacted by Chapter one hundred and thirteen, acts of the General Assembly of 1926, entitled; "An Act relating to vehicles, regulating their use and operation upon the public highways of this Commonwealth; providing for the registration and licensing of motor vehicles; fixing the amount of the license, and manner of payment thereof; providing for the registration and licensing of operators of motor vehicles and the amount of such license; providing a method of registration of motor vehicles; preventing illegal traffic in motor vehicles; providing penalty for the violation of this Act, and repealing any and all conflicting laws."

S. B. 289. And further to regulate the practice of law.

S. B. 291. An Act relating to the employment of a zoning engineer in cities of the second class; authorizing the fiscal courts to employ said zoning engineer and fixing the amount of the compensation to be paid said zoning engineer.

S. B. 294. An Act repealing Section 3 of Chapter 49 of an act adopted by the General Assembly of Kentucky, March 22, 1922, entitled: "an Act to amend and re-enact Section 110 of the Code of Practice in criminal cases, relating to the presence of persons before the Grand Jury."

S. B. 295. An Act to amend and re-enact Section 2554a-17, Kentucky Statutes, which is an act creating a reward for furnishing information resulting in the arrest and conviction of persons for illegally manufacturing intoxicating liquors so that said act when amended and re-enacted shall read as follows.

S. B. 299. An Act relating to revenue and taxation; providing for a tax upon the sale of lubricating oils.

S. B. 302. An Act to repeal Section 4076a-2 of Carroll's Kentucky Statutes, 1930 Edition, relating to fees of county court clerks.

S. B. 310. An Act to amend Chapter 64 of the 1930 Acts of the General Assembly of the Commonwealth of Kentucky.

S. B. 312. An Act to assist disabled ex-service men and women of the World War and veterans of other wars in obtaining from the Federal Government the relief authorized by Acts of Congress, and continuing in existence for that purpose the Kentucky Disabled Ex-Service Men's Board and appropriating funds therefor; providing maintenance of an office and stenographic help to carry on the work of said board.

S. B. 313. An Act to amend and re-enact Section 28a-7 of the Kentucky Statutes (Carroll's 1922 Edition.)

S. B. 316. An Act to amend and re-enact section 1845, Carroll's Kentucky Statutes, 1930, edition, relating to compensation of members of fiscal courts.

S. B. 317. An Act submitting to the qualified voters of third class cities contracts for utility service for a period of more than two years.

S. B. 326. A Bill to establish the Kentucky State Board of Accountancy, to grant the board the usual and necessary administrative powers, to define a public accountant, to define the status of a certified public accountant, to prescribe conditions under which firms may practice public accounting, to provide for the granting and issuing of certificates and registration cards to accountants who qualify under the provisions of this Act, etc., to determine the ownership of professional papers, to provide for revoking and cancelling or suspending certificates and cards so issued, to fix certificate and registration fees, to provide for an annual register, to regulate the practice of public accounting so as to afford protection to the public, to prohibit the practice thereof by non-registered persons, to recognize certain specifically listed exemptions, to

provide a penalty for violations of its provisions, and to repeal all acts and parts of acts inconsistent with the provisions thereof.

S. B. 327. An Act to provide for the incorporation, regulation, merger, consolidation and dissolution of certain corporations for profit.

S. B. 331. An Act to raise revenue for the purchase of free text books; providing for a stamp tax on manufactured tobacco products and cigarette papers, setting up a special fund known as the free text book fund; providing that any money left in the free textbook fund at the beginning of the calendar year in excess of five hundred thousand dollars shall revert to the common school fund, designating how the fund derived from such taxes shall be expended, and providing penalties for the violation of the provisions of this Act.

S. B. 334. An Act authorizing the State Highway Commission of Kentucky, the State Park Commission of Kentucky, and the Fish and Game Commission of Kentucky, or any similar board or commission now or hereafter assuming, acting, or performing the functions and duties of these commissions or their equivalent, to associate themselves together or to contract separately or with each other or any two of them, in any manner or form said commission or commissions may deem to the best interests of the Commonwealth of Kentucky for the building, promotion, erection or improvement, in connection with the functions of either or all of them, for the purpose of benefiting the people of this State, or any bridge, dam, or improvement of any State Park or its grounds, bridges, dams or buildings and authorizing the said commissions to designate in a contract or contracts or agreements in any manner whatsoever with each other or separately and to do any and all things necessary to accomplish a mutual purpose for the good of any State Park, highway bridge, or game and fish or game preserve, or sanctuary and authorizing the issuing of warrants, promises to pay, notes or credit certificates to accomplish the same.

S. B. 339. An Act to repeal Section 3766e-9, Carroll's Kentucky Statutes, 1930 edition, which is Section 9 of Chapter 164, Acts of 1928, approved by the Governor on February 29, 1928, and Section 2 of Senate Bill No. 4, which was approved by the Governor on February 5, 1932, both relating to the employment of attorneys for the Kentucky National Park Commission.

S. B. 340. An Act to amend Section 290a- of Carroll's Kentucky Statutes, 1930 Edition relating to employment of a teacher for the deaf-blind by adding certain words thereto.

S. B. 341. An Act repealing and re-enacting Sections 2711a-1 to 2711a-127, inclusive, and Sections 2711a-129 to 2711a-141, inclusive, of Chapter 86 of Baldwin's 1930 Supplement to the Kentucky Statutes, Carroll's 1922 Edition, same being an Act providing for the organization, armament, discipline and government of the militia and National Guard of Kentucky; providing for a Military Department of Kentucky, providing for the proper officer and other employees of said Department, same being intended to repeal and re-enact all of the present laws of Kentucky relating to the militia and National Guard except Section 2711a-128 of Baldwin's 1930 Supplement to the Kentucky Statutes, Carroll's 1922 Edition, which section is specifically exempted from the effect of the repeal and re-enactment herein provided for.

S. B. 342. An Act to amend and re-enact Section 5 of an Act entitled "An Act creating a Board of Trustees for the West Kentucky Industrial College, repealing Chapter 18 of the Acts of the General Assembly of 1916, and Chapter 100 of the Acts of the General Assembly of 1922, and Sections 489, 490 and 491 of Senate Bill No. 28, in the present session of the General Assembly" which was approved on March 27th, 1926, and is now chapter 91 of the Acts of the General Assembly of 1926.

S. B. 343. An Act to amend Section 4326 of Carroll's Kentucky Statutes, 1930 Edition, relating to the removal of county road engineer.

S. B. 346. An Act to amend Section 1835, Carroll's Kentucky Statutes, 1930 Edition, relating to Clerks of the Fiscal Court.

S. B. 347. An Act to amend Section 4325 of Carroll's Kentucky Statutes, 1930 Edition, relating to the office of road engineer.

S. B. 348. An Act to repeal, amend, and re-enact Section 2 of Chapter 127, Acts of the General Assembly of 1928, now Section 4224b-2, Carroll's Kentucky Statutes, 1930 Edition, relating to tax on gasoline; to provide for the distribution in part of said tax to the counties of the State for the construction, repair and maintenance of Rural mail roads, Star route roads and the State Primary system of roads, and for the payment of bonds issued by the counties for the construction of State Primary roads; and relating to the use and expenditure by the counties of said fund.

S. B. 353. An Act providing for the practice of barbering and beauty specialists, requiring the registration of barbers and apprentices and beauty specialists and apprentices, and the supervising of barber shops and beauty shops.

S. B. 356. An Act to amend and re-enact Section 1934, Kentucky Statutes, Carroll's 1930 Edition, relating to return of fugitives from justice from another State or territory.

S. B. 362. An Act to amend and re-enact Section 3751a, Kentucky Statutes, Carroll's 1930 Edition, relating to the payment of premiums of bonds executed by State officials.

S. B. 363. An Act to amend the Workmen's Compensation Law of Kentucky in so far as same applies to appeals, and repeal sections 4936, 4937 and 4939 of said statute.

S. B. 364. An Act creating and establishing a hog caller's association, providing its organization, manner of electing its officers, and fees to be paid by members.

S. B. 365. An Act entitled "An Act to prohibit the habitual use of morphine, cocaine, eucaine, heroin, or any other derivative of opium or coca leaves, and prescribing the penalties for violation thereof.

S. B. 370. An Act to amend and re-enact Section 1472, Carroll's Kentucky Statutes, 1922 edition.

S. B. 371. An Act to amend and re-enact Section 2739j-32 of the Kentucky Statutes, Baldwin's 1931 Supplement, being a portion of Chapter 75 of the Acts of the General Assembly of 1930, entitled, "An Act to amend and re-enact Sections 2739j-22, 2739j-27 and 2739j-32 of the Kentucky Statutes, Baldwin's 1926 Supplement, being Sections 22, 27 and 32 of Chapter 112 of the Acts of the General Assembly of 1926, relating to the supervision and regulation of transportation of persons for compensation over public highways by motor propelled vehicles in this Commonwealth."

S. B. 372. An Act to repeal Chapter 25 of the Acts of the General Assembly of the Commonwealth of Kentucky of 1928, granting to women jurors the privileges and right to claim absolute and peremptory exemption from jury service.

S. B. 376. An Act to repeal Chapter 150 of the Acts of the General Assembly of the Commonwealth of Kentucky of 1930, approved by the Governor March 15, 1930, relating to the transfer of tax claims.

S. B. 377. An Act to amend and re-enact Section 356, Carroll's Kentucky Statutes, 1930 edition, relating to fees of jailers paid out of the State Treasury.

S. B. 379. An Act making it the duty of the County Superintendent of Schools to visit the schools of the county twice during each school year and make a report of the condition of the schools to the State Superintendent of Public Instruction, and providing a penalty for a violation thereof.

S. B. 380. An Act repealing, amending and re-enacting

Section 3507a-19, Carroll's Kentucky Statutes, 1930 edition, relating to taxation in school districts, embracing cities of the fourth class.

S. B. 385. An Act dividing the State of Kentucky into thirty-eight (38) Senatorial Districts.

S. B. 388. An Act to amend Section 138 of the Constitution of the Commonwealth of Kentucky.

S. B. 392. An Act relating to articles of opaque substance being attached to windshields of automobiles to be designated as Section 2739i-4 as follows.

S. B. 393. An Act to promote county fairs, providing for their organization, authorizing the fiscal court to make appropriations therefor, and to submit to the voters of the county the question of levying a tax for the promotion and improvement therefor; providing for the awarding and offering of premiums, and declaring an emergency to exist.

S. B. 397. An Act to amend and re-enact Section 484 Civil Code of Practice of Kentucky (John D. Carroll's Edition, 1927) relating to the duties of Commonwealth attorneys to institute actions against usurpers of county offices and franchises, and defining county offices and franchises.

S. B. 401. An Act to regulate foreign guaranty and surety companies doing business in this Commonwealth.

S. B. 402. An Act to repeal, amend and re-enact Section 124 Carroll's Kentucky Statutes, 1930 Edition, relating to the Commonwealth's Attorney, his fees and salary.

S. B. 403. An Act relating to roads and highways; making Capital Avenue in the city of Frankfort a part of the primary highway system; authorizing its dedication by the city of Frankfort to the use and benefit of the Commonwealth; and giving to the State Highway Commission full power and authority to improve and maintain same.

S. B. 405. An Act to amend and re-enact Section one thousand seven hundred and thirty-one of the Kentucky Statutes, Carroll's Edition, one thousand nine hundred and thirty, relating to fees.

S. B. 406. An Act to amend and re-enact section one thousand seven hundred and thirty three of the Kentucky Statutes, Carroll's Edition of one thousand nine hundred and thirty, relating to fees.

S. B. 407. An Act to amend and re-enact section 1697, Subdivision 1, Article 15, Chapter 120, of the Kentucky Statutes, Carroll's Edition of 1930, entitled, Executions.

S. B. 409. An Act regulating the charges of tobacco warehousemen for the handling and sale of loose leaf tobacco, and imposing penalties for its violation.

S. B. 410. An Act providing for the certification of public School Administrators.

S. B. 411. An Act to amend and re-enact Section 5 chapter 174 of the Acts of 1926, session of the General Assembly, relating to a uniform system of accounting in the State and county governments, and providing for the installing and maintaining of this system, and the auditing of fiscal records in counties and taxing districts in the Commonwealth.

S. B. 415. An Act to amend and re-enact Section 112-1, of Carroll's Kentucky Statutes, 1930 Edition, in relation to the official duties of the Attorney General, Commonwealth's Attorneys and County Attorneys.

S. B. 416. An Act to give authority to the board of Charities and Corrections or its successor to employ chiropractors in the Charitable and penal institutions, to fix salaries and prescribe duties for same.

S. B. 417. An Act relating to motions to require circuit judges to vacate the bench because of disqualification in the

trial of civil cases and criminal prosecutions, and providing for procedure on the disposition of such motions.

S. B. 418. An Act creating the offense of alarming, disturbing, hindering, obstructing or intimidating by violence, force or threats any officer of the Commonwealth of Kentucky in the matter of his official action in the discharge of his duty or attempting so to do, and providing punishment therefor.

S. B. 419. An Act relating to tax levies of county school districts and amending Section 4399a-8 of Baldwin's 1930 Edition of Carroll's Kentucky Statutes.

S. B. 420. An Act to provide additional revenue for the common schools funds of the Commonwealth of Kentucky.

S. B. 421. An Act to extend the jurisdiction of the Franklin Circuit Court.

S. B. 427. An Act creating and establishing as a part of the State primary system of public roads the roads beginning at the mouth of Jetts Creek in Breathitt County, Kentucky and running up Jetts Creek via Dee Ross to Booneville, in Owsley, County, Kentucky.

S. B. 430. An Act providing for the acquisition by the Commonwealth of Kentucky of the stereotype plates, books, copyrights and all other proprietary rights and in the first seventy-seven volumes of the Reports of the Court of Appeals of Kentucky from the present non-resident owners thereof in order that the Commonwealth may acquire, own and control the publication and sale of the same; and to provide for a commission to negotiate the purchase of same, subject to the approval of the Court of Appeals of Kentucky, and to arrange for the storage of said property and for the reprinting sale and distribution of said reports in the future.

S. B. 431. An Act to repeal Section 418a Carroll's Kentucky Statutes, 1930 Edition and to re-enact same dividing the Commonwealth of Kentucky into nine Congressional Districts.

S. B. 432. An Act setting up qualifications of principals of schools.

S. B. 433. An Act to amend and re-enact Section 3587a-13, Carroll's Kentucky Statutes, 1930 Edition.

S. B. 434. An Act relating to medical and physical examinations of minor pupils in attendance at public schools, or colleges, or universities under the control of city, county or State authorities.

S. B. 435. An Act amending and re-enacting Section 2000 Kentucky Statutes, Carroll's 1930 Edition, being an act dividing the State of Kentucky into thirty-eight Senatorial Districts as provided in Section 33 of the Constitution.

S. B. 438. An Act to divide the Commonwealth of Kentucky into nine Congressional Districts.

S. B. 439. An Act to divide the Commonwealth of Kentucky into nine Congressional Districts.

S. B. 440. An Act to divide the Commonwealth of Kentucky into nine Congressional Districts.

S. B. 442. An Act prescribing the qualifications of county judges in counties having a city of the first, second, third and fourth class.

S. B. 443. An Act to amend and re-enact Section 4619 and 4625, Kentucky Statutes, Carrolls 1930 Edition, relating to the appointment and powers of the State inspector and examiner and his assistants, providing compensation therefor, and fixing penalty for violation of this act.

S. B. 444. An Act to amend and re-enact Section 1550-18 Carroll's Kentucky Statutes, relating to furnishing of ballots in Primary Elections.

S. B. 445. An Act to make all circuit courts in this Com-

monwealth, sitting in any county, containing a city of the second class, which are not now courts of continuous session, courts of continuous session for the trial of all cases arising in equity and at common laws, and prescribing the practice and procedure therein.

S. B. 446. An Act placing a special privilege, tax, in addition to all other taxes, on cigars and/or cigarettes and providing for the collection of same.

S. B. 447. An Act to amend and re-enact Sub-section A of Section 2739g-2, Kentucky Statutes, Carroll's 1930 Edition relating to registration by automobile owners or operators, and providing for the enforcement of this Act.

S. B. 448. An Act to amend and re-enact Section 1550-17 Kentucky Statutes, Carroll's Edition 1930.

S. B. 449. An Act relating to Railroad Commissioners Districts.

S. B. 450. An Act establishing as part of the primary system of the State Highways a road from Flannerys Place on the Ollie James Highway to Dam 50 in Crittenden County.

S. B. 451. An Act establishing as part of the primary system of State Highways, a road beginning at Hampton, Livingston County, to Lola.

S. B. 452. An Act to amend and re-enact Chapter 216 of the acts of the General Assembly of 1930, which is an act entitled, an Act to amend Chapter 222 of the Acts of the General Assembly of 1926, relating to roads and highways and extending the primary highway system by adding thereto a road from Dave Legrand Store on Federal Highway No. 60, via Doe Run Mill on the Old Garnettsville road to Lick Skillet thence to Garnettsville, thence to Muldraugh, connecting with Federal Highway No. 31.

S. B. 543. An Act to amend and re-enact Section 2 of

Chapter 144 of the Acts of the General Assembly of 1930, relating to the duties of the Secretary of State.

S. B. 455. An Act to repeal, amend and re-enact Section 3828-a, of Carroll's Kentucky Statutes, 1930 Edition, relating to the application for paroles and granting of paroles to prisoners on approval of Governor.

S. B. 458. An Act to amend an Act, entitled "An Act relating to vehicles; regulating their use and operation upon the public highways of this Commonwealth; providing for the registration and licensing of motor vehicles; fixing the amount of the license, and manner of payment thereof; providing for the registration and licensing of operators of motor vehicles and the amount of such license; providing a method of registration of motor vehicles; preventing illegal traffic in motor vehicles; providing penalty for the violation of this Act, and repealing any and all conflicting laws," which said Act approved March 23, 1920, is Chapter 90, Acts of 1920, now section 2739-g, Carroll's Kentucky Statutes, by amending and re-enacting section 2 of said Act approved March 23, 1920, being Chapter 90, Acts of 1920, as amended by an Act approved March 23, 1924, being Chapter 87, Acts of 1922, by an Act approved March 27, 1924, being Chapter 79, Acts of 1924, by an Act approved March 19, 1926, being Chapter 109, Acts of 1926, and by an act of 1930, neither approved nor disapproved by the Governor, being Chapter 81, acts of 1930. Said Section 2, being section 2739g-2, Carroll's Kentucky Statutes; by amending and re-enacting sub-section F of said Section 2 of said Chapter 90, Acts of 1920, now Section 2739g-4, Carroll's Kentucky Statutes, by amending and re-enacting Section 50 of said Chapter 90 of 1920, as amended by an Act approved March 19, 1926, being Chapter 109, Acts of 1926, and by an Act approved March 17, 1928, being Chapter 108, Acts of 1928. Said Section 5 being now Section 2739g-5, Carroll's Kentucky Statutes; and by amending and re-enacting Sub-section A and B of Section 3 of said Chapter 90, Acts of 1920, as amended by an Act of 1924 Being Chapter 80, acts of 1924, said Subsections being respectively Sections 2739-g-10 and 2739-g-11, Carroll's Kentucky Statutes.

H. B. 13. An Act to amend and re-enact Section 6, Chapter 154, of the Acts of 1893, entitled, "An Act in relation to the Auditor of Public Accounts, and entitled, 'Auditor,'" which was approved by the Governor on February 27, 1895, which is Section 143, Kentucky Statutes, 1930 Edition, which reads as follows: "A warrant of the Auditor upon the Treasurer shall state upon its face the date, amount and the name of the person to whom payable, and on what account, and out of what fund to be paid, and shall not be issued unless the money to pay the same has been appropriated by law; and he may require any claimant to state on the face of his claim the law under which it is payable." An emergency is hereby declared to exist and this Act shall take effect from and after its passage and approval by the Governor.

H. B. 14. An Act to amend and re-enact Section 9, page 607, Chapter 169, of the Acts of 1893, entitled, "An Act concerning the State Treasury," which was approved by the Governor on March 27, 1893, and which is Section 4680, Kentucky Statutes, 1930 Edition, which reads as follows: "No money shall be paid out of the Treasury except upon the warrant of the Auditor, as now or may hereafter be provided by law, and then only by the check of the Treasurer upon a designated State Depository, and no check shall be given by the Treasurer, even though the Auditor issues a warrant therefor, unless the law under which the money may be claimed expressly direct and orders that it shall be paid out of the Public Treasury. An emergency is hereby declared to exist and this Act shall take effect from and after its passage and approval by the Governor.

H. B. 15. An Act to amend and re-enact Section 1, Article 1, Chapter 192, Page 853, of the Acts of 1893, entitled "An Act relating to claims upon the Treasury," which is Article 1, Section 340, Kentucky Statutes, 1930 Edition, which reads as follows: "The claims upon the Treasury, specified in this chapter, shall be paid when due by the Treasurer to the persons entitled to the same, the warrant to be issued by the Auditor upon such proof of the service or demand as is herein required," and providing for the creation of a contingent

fund to be used by the Governor, with the approval of the Sinking Fund Commission, to be used for emergency purposes. An emergency is hereby declared to exist and this Act shall take effect from and after its passage and approval by the Governor.

H. B. 24. An Act to repeal and to re-enact Section 341 of Carroll's Kentucky Civil Code of Practice; so as to provide that no more than two new trials shall be granted upon the ground that the verdict is not sustained by the evidence.

H. B. 26. An Act to authorize the Governor of the Commonwealth of Kentucky to lengthen or delay the time of payment of taxes, interest on taxes, and to give the proper relief to sheriffs when such delays be granted by the Governor's Proclamation.

H. B. 29. An Act appropriating Four Hundred and Seventy-five ($475.00) Dollars to M. Livingston & Co., on account of overpaid license taxes.

H. B. 43. An Act relating to jailers in counties containing cities of the second-class with a population of less than 70,000 and providing for the appointment of deputy jailers, guards and turnkeys and regulating the salaries and pay of said jailers, deputy jailers, guards and turnkeys.

H. B. 57. An Act to amend and re-enact Section one thousand, one hundred and nineteen of the Kentucky Statutes, providing for the payment of costs on changes of venue in criminal cases granted on the application of the Commonwealth or the dependent, and providing that all the costs which would be borne by the county had the removal not been made, shall notwithstanding the removal be borne by said county from which the removal is made.

H. B. 59. An Act to amend Section one thousand, one hundred and twelve of Carroll's Kentucky Statutes, providing for removals on change of venue in certain criminal cases from one county to another, and for the payment of the costs

on such removals, and upon the trials after such removals are had.

H. B. 87. An Act to amend Section 415b-6, Carroll's Kentucky Statutes, 1930 Edition, relating to pensions for confederate soldiers, and declaring an emergency.

H. B. 97. An Act providing that all cities, counties and taxing districts in the Commonwealth of Kentucky shall when issuing bonds for any purpose whatsoever make provision for the payment of a certain portion of said bonds annually in addition to the interest on said bonds so that when the final maturity of said bonds is reached all of said bonds shall be paid off and retired.

H. B. 114. An Act to amend Section 4168k, Kentucky Statutes, Carroll's Edition, Supplement 1931, the same being Section 11 of Chapter 150, of the Acts of the General Assembly of 1930, approved March 15, 1930, and to fix the fees of County Clerks for recording certificates of transfer and releases of tax claims evidenced by certificates of transfer and repealing laws in conflict herewith to the extent of such conflict.

H. B. 121. An Act providing that monies in the sinking funds in the counties, cities, towns and taxing districts of Commonwealth of Kentucky, at the end of each Fiscal year shall be applied to the payment and retirement of the outstanding bonds that are due or called, and if said bonds are not due or callable then bids are to be received by the Fiscal authorities of said counties, cities, towns or taxing districts, calling for prices on said bonds and authorizing said fiscal authorities to purchase said bonds at prices deemed reasonable.

H. B. 99. An Act to repeal Section 4151-2 of the Acts of the General Assembly of Kentucky of 1928 approved March 3rd, 1928 relating to taxation and revenue as set out in Chapter 129, in said Acts of 1928, General Assembly of Kentucky, which section 4151-2 provided for interest and penalty on

lands when sold for taxes and amending and re-enacting said section 4151-2 and providing for interest and penalty on lands sold for taxes and providing for redemption thereof.

H. B. 126. An Act to repeal, amend and re-enact Chapter 18 of Acts of General Assembly of 1924, being Section 1893-A, sub-sections 10, 11, 12 and 13, Carroll's Kentucky Statutes.

H. B. 146. An Act to amend Section 3, Chapter 35, Acts of 1930, (Section 4421a-39 Baldwin's Supplement, Carroll's Kentucky Statutes 1930 Edition) relating to the adoption of basal text books for use in county school districts and independent school districts, other than cities of the first, second, third or fourth classes, and to re-enact same as amended.

H. B. 149. An Act to authorize cities of the second, fourth, fifth and sixth classes to acquire and own, improve and extend, plants or works necessary for furnishing gas, and for electricity, for power, light and heat, and to issue bonds therefor, payable from the revenues of such plants or works.

H. B. 152. An Act to repeal and re-enact Sections 216a-1; 216a-7; 216aa-8; 216aa-16; 216aa-25; 216aa-27; 216aa-28; and to repeal Sections 216aa-4, 216aa-5; 216aa-6; of Carroll's Kentucky Statutes, (Baldwin's Revision of 1930), relating to the State Board of Charities and Corrections, its management and supervision of the benevolent, charitable, eleemosynary, correctional and penal institutions of this State; declaring an emergency, and repealing all laws, or parts of law, in conflict herewith to the extent of such conflict.

H. B. 161. An Act to amend and re-enact Section 362 of the Criminal Code of Practice in relation to the appellate jurisdiction of circuit courts.

H. B. 160. An Act to amend and to re-enact Section 1847 of Chapter 52, Article 1 of Carroll's Kentucky Statutes, 1930 Edition, concerning election of Commissioners which may constitute fiscal court.

H. B. 185. An Act to amend and re-enact Sections 280 and 281 of Chapter 8 of the criminal code of practice relating to bills of exceptions.

H. B. 250. An Act providing for the creation of an educational commission, prescribing its powers and duties and the duties of persons in connection with it; and fixing penalties for failure to perform same, and declaring an emergency.

H. B. 252. An Act defining and establishing the rights of ingress and egress, of abutting real estate owners, for the purpose of making necessary repairs and improvements upon their property.

H. B. 253. An Act to amend and re-enact Section 415b-6 of the Kentucky Statutes, 1930 Edition, relating to persons entitled to Confederate Pensions.

H. B. 260. An Act to repeal Section 2554a-16, Kentucky Statutes, giving peace officers five dollars for making arrests of persons for violating the law prohibiting the sale of intoxicating liquors.

H. B. 277. An Act to fix and regulate the time for calling the dockets of felony cases and fixing the date for the trial thereof an excepting therefrom that felony indictments may be tried at the term the indictments are returned.

H. B. 318. An Act providing that any person, firm, partnership, corporation or individual, doing business in this Commonwealth, when publishing or circulating any statement of its resources, shall be required in said statement to publish its liabilities, and providing a penalty for violation of this Act.

H. B. 319. An Act providing that when any corporation shall publish or cause to be circulated or published, a statement of its assets, that the surplus of the assets shall not be included with the capital stocks of the corporation, and providing a penalty for violation of this Act.

H. B. 345. An Act relating to search and seizure, and amending and re-enacting Section 2554a-14, Carroll's Kentucky Statutes, 1930 Edition, and providing penalties for violations of this Act.

H. B. 425. An Act providing educational opportunities for the orphans of soldiers, sailors, and marines who were killed in action or died during the World War, and appropriating necessary money therefor from general fund.

H. B. 450. An Act for the benefit of Mrs. W. L. (Buddy) Moneymaker, whose husband, W. L. (Buddy) Moneymaker, lost his life in the performance of a public service, leaving the said Mrs. W. L. (Buddy) Moneymaker as his widow. Appropriating the sum of $3,000 from the General Expenditure Fund to the said Mrs. W. L. (Buddy) Moneymaker.

H. B. 452. An Act repealing and re-enacting Sections 4130, 4135, 4143, 4147 and 4148 of Carroll's Kentucky Statutes, 1930 Edition, which sections relate to revenue and taxation, and repealing all Acts, parts of Acts, and laws in conflict with this Act.

H. B. 532. An Act to amend and re-enact Section 4238, Kentucky Statutes, Carroll's 1930 Edition, relating to revenue and taxation, so as to increase the State tax on the recording of certain instruments and marriage licenses.

H. B. 619. An Act relating to the creation of a State public building insurance fund, governing hazards of loss, damage or injury to State public buildings by fire, tornado, windstorm or other casualties, declaring an emergency to exist.

H. B. 628. An Act to repeal Section 3766e-9, Carroll's Kentucky Statutes, 1930 Edition, which is Section 9 of Chapter 164, Acts of 1928, approved by the Governor on February 29, 1928, and Section 2 of Senate Bill No. 4, which was approved by the Governor on February 5, 1932, both relating

to the employment of attorneys for the Kentucky National Park Commission.

H. B. 654. An Act relating to revenue and taxation, repealing, amending and re-enacting Chapter 152 of the Acts of the General Assembly of 1930; and declaring an emergency to exist.

H. B. 783. An Act relating to revenue and taxation, imposing a tax on the sale of services and/or tangible personal property; providing for enforcement and collection; prescribing penalties for violation; repealing all conflicting laws, and declaring an emergency to exist.

H. Res. 2. Resolution memorializing Congress for relief for the tobacco growers of the United States.

H. Res. 5. Resolution requesting information as to salaries and expenses of all State departments.

H. Res. 21. Resolution for the benefit of William E. Clark.

H. Res. 28. Resolution to obtain information from certain sources for the appointment of committees by Speaker of House and President of Senate.

H. Res. 40. Resolution of the two Houses of the General Assembly of the Commonwealth of Kentucky.

H. Res. 54. Resolution designating a portion of State Highway No. 32 the Plummer Highway.

S. Res. 9. Resolution to appropriate the sum of $10,000.00 to erect a monument in honor of the memory of the Kentuckians who fell in the Civil War in the battles of the first and second Mannassas (sometimes known as Bull Run).

S. Res. 10. Resolution authorizing James A. Sutton, by his statutory guardian or his next friend, to sue the Commonwealth of Kentucky and the State Highway Commission or either.

S. Res. 11. Resolution to sue the State of Kentucky.

S. Res. 13. Resolution authorizing Ernest Miles and Mayme Miles respectively to file suits against the Commonwealth of Kentucky.

S. Res. 14. Resolution to appropriate $10,000.00 for a monument.

S. Res. 19. Resolution authorizing suit against the Commonwealth of Kentucky, by and through its State Highway Commission, on behalf of persons, firms and corporations who furnished labor, material, supplies and provender in the construction of a portion of the primary State highway system between Inez, Martin County, and Paintsville, Johnson County, Kentucky.

S. Res. 20. Resolution appropriating to H. C. Jorris $320.75 for reasons stated.

S. Res. 22. Resolution authorizing Phillip Gilbert and Edna Gilbert to sue the Commonwealth of Kentucky and the State Highway Commission.

S. Res. 26. Resolution authorizing the Auditor of Kentucky to pay Leila L. Wilhoit for stenographic work performed by her for the State of Kentucky.

S. Res. 27. Resolution authorizing A. J. Bush to sue the Commonwealth of Kentucky, and the State Highway Commission or either.

S. Res. 28. Resolution authorizing Irvine Construction Company to sue the Commonwealth of Kentucky.

S. Res. 31. Resolution authorizing J. F. Dorroh to file suit against the Commonwealth of Kentucky.

S. Res. 33. Resolution authorizing Mrs. Anna May Trigg to sue the Commonwealth of Kentucky and the State Highway Commission or either.

S. Res. 34. Resolution to require the University of Kentucky to play Centre College in football.

S. Res. 35. Resolution providing for furnishing Kentucky Directories.

S. Res. 37. Resolution for the payment to the Herald-Post Company of Louisville $792.83 for advertisements published on behalf of the Commonwealth of Kentucky.

S. Res. 38. Resolution creating Kentucky Revenue Commission, fixing the duties thereof and providing for the appointment of the members of said commission and further providing for the payment of expenses incurred by said commission.

S. Res. 41. Resolution appropriating $703.50 out of the State treasury to Kathryn Brown.

S. B. 39. An Act to repeal Sections 6, 7, 8, 9, 10 and 26 of Chapter 92, page 477, of the Acts of the General Assembly of 1914, being a portion of the Act providing for the commission form of government for cities of the third class, and the sections repealed by this Act are now Sections 3480b-6, 3480b-7, 3480b-8, 3480b-9, 3480b-10 and 3480b-26 of Carroll's Kentucky Statutes, 1930 Edition, and providing in lieu thereof, that the Mayor, Commissioners, Police Judge and Prosecuting Attorney of the Police Court of cities of the third class, shall be nominated and elected as now provided by law for the nomination and election of State and county officers.

S. B. 245. An Act to create and establish the Banking

and Securities Department of Kentucky; to provide for the appointment of officers and employees thereof; to designate the chief officer thereof as the Banking and Securities Commissioner; to provide for the rights, duties and privileges of such officers and employees, to fix their salaries, and to provide for examination of all financial institutions organized and doing business under the laws of this Commonwealth; to prevent fraud, deceit, or imposition in the sale or disposition of contracts, stocks, bonds, or written evidence of debt, certificates showing present or future interest in any property or business enterprise or venture, or other securities sold or offered for sale within the Commonwealth of Kentucky by any person, persons, partnership, company, association, trust or corporation, foreign or domestic; authorizing the inspection of and such regulation and supervision of the business of any person, persons, firms, partnerships, companies, associations, trusts or corporations engaged in the business or any part thereof described in this Act as may be necessary to prevent fraud, deceit, or imposition in the sale or offering for sale within this Commonwealth of any contract, stocks, bonds, written evidence of debt, or of certificates showing present or future interest in any property, business enterprise or venture, or other securities mentioned in this Act; providing penalties for a violation of this Act; and repealing certain statutes and all laws in conflict herewith.

S. B. 276. An Act to prescribe the qualifications of special deputy banking commissioners performing duties connected with the liquidation and distribution of insolvent banks.

S. B. 386. An Act entitled an Act to amend section and re-enact Sections 868 and 868-A of Kentucky Statutes, Carroll's 1930 Edition, relating to profits and losses of building and loan associations and distribution thereof and contingent or reserve fund of such associations.

S. B. 457. An Act to change and re-arrange the twenty-

seventh and twenty-eighth Judicial Districts of Kentucky; to provide for holding Circuit Courts in each of said Judicial Districts as hereby changed and re-arranged, and continuing the present Judges and Commonwealth Attorneys in office in the districts changed as such in the same numbered district to which each was elected.

S. B. 461. An Act creating the Kentucky World's Fair Commission (1933), defining its powers and duties, and making an appropriation therefor, for the purpose of participating in a Century of Progress, an International Exposition to be held at Chicago, Illinois, beginning June 1, 1933, and ending November 1, 1933.

S. B. 459. An Act to repeal Sections 2007k-1 to and including Section 2007k-10, Carroll's Kentucky Statutes, 1930 Edition, relating to the Kentucky Geological Survey, and enacting in lieu thereof a new Act creating the Bureau of Mineral and Topographical Survey; defining its rights, powers and duties; transferring the property of the Kentucky Geological Survey to said bureau, providing for the removal of said property; and repealing all laws or parts of laws in conflict herewith.

S. Res. 42. A resolution providing for the payment of money to G. W. Lawrence and J. V. Carder for extra services in caring for the elevators in the State Capitol Building during the present session of the General Assembly.

H. B. 370. An Act to repeal Chapter 15, Acts of 1930, appropriating for the State Banking Commission for the purpose of paying salaries, printing, stamps, supplies, and other expenses of the operation and maintenance of said department, all fees realized from examinations of the sundry banks and building and loan associations as provided by law for the fiscal year ending June 30, 1930, and enacting in lieu thereof an Act providing that the Banking Department shall have for the purpose of paying all salaries, printing, stamps, supplies and other expenses of the operation and mainte-

nance of said department, all the fees realized from examinations of the sundry banks and building and loan associations, as provided by law.

S. B. 6. An Act to repeal Section 3 of Chapter 170 of the Acts of the General Assembly of 1930 relating to embalming.

S. B. 7. An Act to repeal and re-enact Section 929, Kentucky Statutes, Baldwin's 1930 Revision of Carroll's Kentucky Statutes, in relation to the appointment, qualifications, terms, vacancies, removal for cause of County Treasurer.

S. B. 25. An Act to repeal Section 1599a, Subsection 16 of Chapter 42a of Carroll's 1922 Edition, Kentucky Statutes, being an Act of the General Assembly, 1904, as amended.

S. B. 62. An Act to amend Section 230 of the Constitution of Kentucky.

S. B. 70. An Act to amend Section 4168k, Kentucky Statutes, Carroll's Edition, Supplement 1931, the same being Section 11 of Chapter 150, of the Acts of the General Assembly of 1930, approved March 15, 1930, and to fix the fees of County Clerks for recording certificates of transfer and releases of tax claims evidenced by certificates of transfer and repealing laws in conflict herewith to the extent of such conflict.

S. B. 108. An Act relating to trustee of jury fund and providing for the abolishing of said office, and providing that the circuit court clerks of the various counties of the Commonwealth of Kentucky shall perform the duties required by law of the trustee of the jury fund, and repealing Section 2282, Carroll's Kentucky Statutes, 1930 Edition, and amending and re-enacting Section 1721, Carroll's Kentucky Statutes, 1930 Edition.

S. B. 119. An Act relating to Notaries Public, providing

for the repeal, amendment, and re-enactment of Section 3721-2 of Carroll's Kentucky Statutes, 1930 Edition, providing for appointment of Notaries Public, with jurisdiction State wide in Kentucky, also with jurisdiction in one county only.

S. B. 133. An Act authorizing the County Court Clerks to issue hunting and fishing licenses to any resident of the Commonwealth of Kentucky, who has served as, or is now a soldier, sailor, marine or army nurse in the Army or Navy of the United States of America.

S. B. 178. An Act amending and re-enacting Section 1992a-18, Kentucky Statutes, Carroll's 1930 Edition.

S. B. 184. An Act to amend Section 110 of Carroll's Criminal Code of Practice, Baldwin's 1927 Edition.

S. B. 186. An Act to amend Section 1594 of Carroll's Kentucky Statutes, Baldwin's 1930 Revision, relating to prosecutions for offenses in elections.

S. B. 187. An Act to amend Section 2251 of Carroll's Kentucky Statutes, Baldwin's 1930 Revision.

S. B. 190. An Act to amend Section 237 of Carroll's Criminal Code of Practice, Baldwin's 1927 Edition, relating to separate trials in felony cases.

S. B. 196. An Act to provide for the safety of persons employed in and about coal mines, and to provide for the examination of persons seeking employment therein in order that only competent persons may be employed as miners, and to create a board of examiners for this purpose and to provide a penalty for a violation of the same, and appropriating certain funds to pay the salary and expenses of such board.

S. B. 210. An Act to enlarge the authority, powers and jurisdiction of the State Railroad Commission of the Com-

monwealth of Kentucky, so as to more effectively provide for the supervision, inspection, and regulation by said commission in the public interest of the construction, maintenance and operation of public utilities and of their service, rules, regulations, management and practices; fares, rates and charges; facilities and plants; franchises, licenses and contracts; and their valuations, financing and securities; to provide for the payment of fees for supervision and inspection by utilities, and to provide measures, rules and regulations for the enforcement of the Commission's orders, and penalties for failure to comply with the orders of the Commission or with the provisions of this Act; authorizing the judiciary to so construe, by adding to or taking from, any clause or phrase, any double or erroneous construction so as to give to this Act its full and intended construction so as to give effect and force in its application; giving to the Commission the power to appoint such experts, managers, referees, and other necessary assistants as in their opinion may be necessary to carry out the effect of this Act.

S. B. 236. An Act to amend Section 37 of Chapter 1 of the 1930 Acts of the General Assembly of the Commonwealth of Kentucky, which is now Subsection 68b-37 of Baldwin's 1930 supplement to Carroll's Kentucky Statutes, entitled, "Disposition of moneys collected under this Act."

S. B. 272. An Act appropriating money for the operation and maintenance of the various departments, boards, commissions, institutions and agencies of the State Government of the Commonwealth of Kentucky for the fiscal years ending June 30, 1933, and June 30, 1934, designating the funds and sources from which said appropriations are to be paid, and prescribing the manner in which same are to be paid, and repealing all annual blanket and/or continuing appropriations not provided for in this Act, and all laws or parts of laws in conflict with any provision thereof.

S. B. 273. An Act to establish as a part of the primary system of State highways of the Commonwealth of Kentucky,

a road from London in Laurel County to Whitley City in McCreary County.

S. B. 319. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

S. B. 386. An Act entitled, An Act to amend sections and re-enact Sections 868 and 868-A of Kentucky Statutes, Carroll's 1930 Edition, relating to profits and losses of building and loan associations and distribution thereof and contingent or reserve fund of such associations.

S. B. 395. An Act to amend and re-enact Section 4883 of Carroll's Kentucky Statutes, Edition of 1930, being Section 4 of an Act entitled: "An Act to provide an elective system of workmen's compensation for industrial accidents," and known as Chapter 33 of the Acts of the General Assembly of the Commonwealth of Kentucky.

S. B. 456. An Act to authorize the Kentucky State Park Commission to acquire by the exercise of the right of eminent domain in condemnation proceedings, or by gift, devise, purchase or any other lawful means for the transfer of title, the lands described therein for a public State Park or for public park purposes, and providing that said park be named jointly by the State Commission on Conservation and Development of Virginia and the Kentucky State Park Commission.

S. B. 454. An Act authorizing the funding of certain indebtedness of the Commonwealth of Kentucky, which is evidenced by outstanding State warrants, by the issuing of funding bonds, and acknowledging and confirming the validity of such warrants and the indebtedness evidenced thereby, and waiving all and singular defenses, if any, of the Commonwealth in relation thereto, and prescribing the powers and duties of the State Budget Commission in the premises, and providing for a sinking fund for the payment of such bonds and the interest thereon.

S. B. 460. An Act to amend and re-enact Section 1549A-1, Article 12, Carroll's Kentucky Statutes, 1930 Edition, by adding after the words "United States Senators" at the end of said section the words "and members of the House of Representatives of the National Congress," so that when said section is amended and re-enacted it shall read as follows:

H. B. 17. An Act relating to the writing, for a charge or premium, of either fidelity or surety bonds, for and on behalf of non-resident of the Commonwealth of Kentucky by corporate surety companies, conditioned for the faithful performance by any principal therein named, of any obligation in such bond undertaken or referred to, for the performance in the State of Kentucky of any duty contract or obligation in said bond undertaken or referred to, and requiring that such bond be executed or countersigned by a non-salaried agent of such surety, licensed and resident in the State of Kentucky, and requiring the payment by such surety to such agent of the full, usual and customary commission currently paid by such surety to such agent of the full, usual and customary commission currently paid by such surety on the premiums on such bonds, and providing penalties for violation of this Act.

H. B. 167. An Act making it unlawful to operate any machine or contrivance whereby money or other things may be won or lost and commonly known as a slot machine; providing for penalties against the premises used in the violation of this Act, prescribing the duties of ministerial, peace and police officers under the provisions of this Act and punishment for their failure to enforce same; exempting from its provisions betting or wagers on races in enclosures and supervised by the State Racing Commission and providing penalties for its violation.

H. B. 285. An Act concerning the paying out of money of this Commonwealth for salaries, board bills, traveling expenses and any and all other expenses incident to the performance of any duty of each and every officer, agent, ap-

pointee and employee of this Commonwealth, and requiring reports to be made each month by the heads of departments, commissioners, chairmen of boards and subordinates for traveling expenses, board bills, salaries and all other expenses before the payment of same, and prohibiting other than those expressly authorized by law of this Commonwealth; providing for the liability on the bonds of the officers whose duty it is to fix and pay salaries or expense accounts, and prescribing the punishment for a violation of the provisions of this act.

H. B. 397. An Act invalidating provisions in fire insurance policies denying liability and defeating payment of the insurance because of failure of title to property, exempt in cases of fraud and misrepresentation.

H. B. 648. An Act to require a public utility company to pay interest at rate of six (6) per cent annually on amounts they exact as deposits as security for the payment of gas, electric and water accounts.

H. B. 56. An Act to amend Section 1,730, Carroll's Kentucky Statutes, providing for the fees of jailers in the counties of this Commonwealth.

It was ordered that said bills and resolutions be placed in the Orders of the Day.

Senator Johnson moved that the Senate recess until 1 o'clock P. M.

Said motion was agreed to.

The Senate reconvened at 1 o'clock P. M.

The Senate took up for consideration from the Orders of the Day a bill of the following title:

H. B. 84. An Act providing for the reopening and re-

organization of closed banks or trust companies or combined banks and trust companies in this Commonwealth.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. State Board of Probation Created. Appointments. Terms of Office. The Governor shall, within four months after his Act takes effect, appoint five persons to constitute the State Board of Probation. The members first appointed shall serve for one, two, three and four years respectively. The fifth shall serve for one year. Their successors shall be appointed by the Governor for a term of four years each. Vacancies shall be filled for the unexpired terms.

§ 2. Powers and Duties of the Board of Probation. The board shall exercise general supervision over the administration of probation in all courts of the State. It shall meet at stated times to be fixed by it, not less often than once in two months, and on call of the chairman, to consider all matters in relation to probation in the State. The board shall make an annual report to the Governor, with statistical and other information and recommendations regarding the administration of probation and the laws relating thereto.

The board shall keep informed of the work of all probation officers; may inspect the work of any probation officers and shall have access to all probation offices and records; shall compile and publish annually a list of the probation officers of the State; shall inform courts and probation officers of legislation concerning probation and of developments in the administration of probation; shall require reports of their work at regular intervals from probation officers and the juvenile courts; shall prescribe the form of records and reports to be used by probation officers; and shall consult and co-operate with the courts and probation officers in the development of methods and procedure in the administration

of probation. The board may arrange conferences of probation officers and judges.

The board shall from time to time conduct competitive examinations to establish lists of persons eligible for appointment as probation officers in the circuit courts, prescribe qualifications for entrance to such examinations and establish rules for the conduct of such examinations and the eligibility of candidates for appointment, provided that no person shall be eligible for such examination or appointment unless he have a college education or its equivalent. The board may also conduct such examinations and recommend persons for appointment as probation officers in any juvenile court, on request of the judge thereof. No person shall be appointed probation officer in any Circuit Court of this State who has not been certified by the board in pursuance of such rules and examination. The board may recommend to the proper authority the discharge of any probation officer.

§ 3. Employees of the Board, Compensation. The board shall employ a Director of Probation who shall be its chief executive officer and who shall receive a salary at the rate of not less than three thousand six hundred dollars a year; it may employ such other persons at such salaries as may be necessary in the conduct of the business of such board. The duties of the Director of Probation and other employees shall be designated by the board. The General Assembly shall provide for the necessary and reasonable traveling expenses of the members of such board and the employees thereof. Suitable office accommodation shall be provided for the board and its employees.

§ 4. Appropriation. There is hereby appropriated out of the general funds the sum of forty thousand ($40,000) dollars for the administration of this Act including the salaries and expenses of probation officers appointed by circuit judges.

§ 5. This Act shall take effect from and after its passage and approval by the Governor.

The Committee on Banks and Trust Companies proposed the following amendment to said bill:

Amend H. B. 84 on page 2 of the original bill by striking out the following: "When seventy-five per cent in both number and amount of depositories, and seventy-five per cent of the deposits as aforesaid" and insert in lieu thereof the following: "When seventy-five per cent of the deposits in amount as aforesaid."

Senator Gates F. Young moved that said amendment be adopted.

The question being taken thereon, was decided in the affirmative.

Said amendment was adopted.

Ordered that said bill be read the third time.

Senator Gates F. Young moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Edwin C. Dawson | Walter N. Flippin |
| W. W. Booles | Dr. T. J. Edge | Chas. G. Franklin |
| H. M. Brock | Thos. C. Ferguson | Wm. Isaacs |

| | | |
|---|---|---|
| Alex E. Johnson | Ray B. Moss | R. H. Royster |
| L. C. Littrell | D. C. Naive | Joe Stewart |
| Frank I. Lloyd | Dr. G. W. Ragan | Thos. O. Turner |
| C.T.McCormick,Sr. | O. M. Rogers | Allie W. Young |
| E. C. Moore | J. M. Rose | Gates F. Young |

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Resolved that the title thereof be as aforesaid.

Senator Gates F. Young moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Senator Williams proposed a resolution of the following title:

S. Res. 43. A resolution authorizing the Auditor of Public Accounts to draw a warrant upon the Treasurer on behalf of the persons and in the amounts herein named, whereas the persons herein named were required, in obedience to summons served upon each of them, to come from their homes in distant counties and testify in behalf of the plaintiff in a case pending in the Franklin Circuit Court wherein the Commonwealth of Kentucky was plaintiff vs. O. S. Denny, Banking Commissioner, who was being prosecuted by the Commonwealth of Kentucky for failure, as Banking Commissioner, to take over a bank when it was claimed that it was his duty as Banking Commissioner to do so, and whereas there is no law authorizing the per diem and mileage for each of the witnesses summoned for the Commonwealth and served herein, because the said prosecution was a misdemeanor and not a felony. That in said prosecution the defendant, O. S. Denny, former Banking Commissioner of the Commonwealth of Kentucky, was acquitted.

Said resolution was referred to the Committee on Rules.

Said resolution reads as follows:

A Joint Resolution authorizing the Auditor of Public Accounts to draw a warrant upon the Treasurer on behalf of the persons and in the amounts herein named. Whereas the persons herein named were required, in obedience to summons served upon each of them, to come from their homes in distant counties and testify in behalf of the plaintiff in a case pending in the Franklin Circuit Court wherein the Commonwealth of Kentucky was plaintiff vs. O. S. Denny, Banking Commissioner, who was being prosecuted by the Commonwealth of Kentucky for failure, as Banking Commissioner, to take over a bank when it was claimed that it was his duty as Banking Commissioner to do so, and whereas there is no law authorizing the per diem and mileage for each of the witnesses summoned for the Commonwealth and served herein, because the said prosecution was a misdemeanor and not a felony. That in said prosecution the defendant, O. S. Denny, former Banking Commissioner of the Commonwealth of Kentucky, was acquitted.

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate of the Commonwealth concurring:

The Auditor of Public Accounts is ordered and directed to draw his warrant upon the treasurer payable to each of the parties herein named and for the amounts thereof, upon the presentation of each of said parties to the Auditor of Public Accounts, a properly issued witness claim signed by Kelly C. Smither, Clerk of the Franklin Circuit Court, for the per diem and mileage of each of said witnesses, to-wit:

| Name | Amount |
|---|---|
| R. M. Oakley, Morgan County, per diem and mileage | $11. 68 |
| T. J. Green, Owsley County, per diem and mileage | 11.20 |
| Cro. C. Caudill, Letcher County, per diem and mileage | 18.80 |
| Thomas C. Pryse, Lee County, per diem and mileage | 12.40 |
| Sam Cornett, Perry County, per diem and mileage | 14.64 |

G. P. Cornett, Perry County, per diem and mileage .....$14.64
Mrs. W. H. Beatty, Lee County, per diem and mileage ... 12.40
R. L. Moorman, Grayson County, per diem and mileage 11.16
Elmer McGrew, Grayson County, per diem and mileage 11.16
P. T. Parsons, Grayson County, per diem and mileage.. 11.16
E. B. Tilford, Grayson County, per diem and mileage.... 11.16
H. A. Lowery ..... 11.16
A. L. Nichols ..... 11.16
Mary L. Cave ..... 11.16
Mrs. Maggie O'Riley ..... 11.16
J. R. Blake, Breathitt County ..... 10.84
J. S. Redwine, Breathitt County ..... 10.84
J. P. Crain, Breathitt County ..... 10.84
Isaac Holland ..... 10.84
Elbert Hargis ..... 11.84
G. L. Allen ..... 11.84
Solomon Noble ..... 11.84
J. S. Holland ..... 11.84
Wilgus Bach ..... 13.84
H. L. Spencer ..... 12.84
M. T. Bach ..... 12.84
K. A. Perkins ..... 7.20
S. J. Cockrell ..... 10.84
A. H. Hargis ..... 13.84
S. A. Phillips, Jefferson County ..... 8.00

A message was received from the House of Representatives announcing that they had refused to concur in an amendment proposed by the Senate to House Bill 615 on February 29, and asked that the Lieutenant-Governor of the Senate appoint a Committee of Conference to meet with a like Committee of the House which he has this day appointed.

Said House Committee is Representatives Francis, Hill and D. P. Smith.

Lieutenant-Governor Chandler appointed Senators Humphreys, Dawson and Jacobs for the Senate.

A message was received from the House of Representa-

tives announcing that they had refused to concur in an amendment proposed by the Senate to House Bill 672 on February 26.

A message was received from the House of Representatives announcing that they had passed bills of the following titles:

H. B. 549. An Act to amend and re-enact Section 98a-7 of the Kentucky Statutes (Carroll's 1922 Edition).

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That Section 98a-7 of the Kentucky Statutes (Carroll's 1922 Edition), be amended and re-enacted so that the same, when amended and re-enacted, shall read as follows, to-wit:

Section 98a-7. Written Application to Clerk; Fee; Time Between Additional Examinations; Allowance to Board. Each person who applies for a license to practice law in this State under any rule adopted by said court shall file a written application with the Clerk of the Court, on such form as may be adopted by the court, and shall pay to said clerk a fee of ten dollars ($10.00), and in case of the failure of such applicant to secure his license, he shall at the time of any subsequent application pay a fee of five dollars ($5.00); but no one shall be permitted to file another application within six months after his last application. All fees collected as aforesaid shall be held by said clerk and paid out by him only on the order of said Court of Appeals; and said clerk shall be liable on his official bond for all fees so paid to him. The said Court of Appeals shall, each year, make reasonable allowance to each of said examiners for his services, for necessary clerical assistance and for his necessary expense while engaged in the performance of his duties, the same to be paid, in quarterly installments, out of the said fund arising from the fees so paid in, and from no other source.

H. B. 353. An Act to change the county lines between the counties of Casey and Boyle.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the county lines between the counties of Casey and Boyle be changed as follows:

Beginning at a point in the boundary line between Casey and Boyle counties at the west side of Kirkland's Knob, running thence southwesterly to Black Lick Knob and including the residence of Marion Girdley, thence westerly from Black Lick Knob south of the residence of Vany Sinkhorn to a knob west of said Sinkhorn's residence, thence westerly to the Marion County line at a point near the head of Caney Creek.

All laws or parts of laws in conflict herewith are hereby repealed.

H. B. 326. An Act to change and fix time of terms of court in the Tenth Judicial District.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That on and after the fifteenth day of August, nineteen hundred thirty-two the regular terms of the Circuit Courts in the counties comprising the Tenth Judicial District of Kentucky, shall commence in each county of the district at the following times and continue for the term, if the business of the court require it, the number of days hereinafter prescribed, namely:

Barren County, at Glasgow, First Monday in January, 12 Juridical Days; Third Monday in April, 12 Juridical Days; Second Monday in September, 12 Juridical Days; Hart County, at Munfordsville, Third Monday in January, 12 Juridical Days; First Monday in May, 12 Juridical Days; Fourth Monday in September, 12 Juridical Days; LaRue County, at Hodgenville, First Monday in February, 12 Juridical Days; Third Monday in May, 12 Juridical Days; Second Monday in October, 12 Juridical Days; Nelson County, at Bardstown, Third Monday in February, 12 Juridical Days; First Monday in June, 12 Juridical Days; Fourth Monday in October, 12 Juridical Days; Metcalfe County, at Edmonton, Fourth Monday in March, 6 Juridical Days; First Monday in July, 6 Juridical Days; Second Monday in November, 6 Juridical Days; Bullitt County, at Shepherdsville, First Monday in April, 12 Juridical Days; Third Monday in July, 12 Juridical Days; Third Monday in November, 18 Juridical Days.

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

H. B. 760. An Act to amend Section 4399a-7, Kentucky Statutes, Carroll's 1930 Edition, relating to powers and duties of county board of education.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That Section 4399a-7, Kentucky Statutes, Carroll's 1930 Edition, be repealed and re-enacted so that when repealed and re-enacted it shall read as follows:

The County Board of Education shall on written recommendation of a majority of the subdistrict trustees appoint all principals, teachers and supervisors from a list of names of qualified and available persons submitted by them in writ-

ing, and shall fix their salaries subject to the provisions of law; such nominations shall be made not later than the first day of May of each year.

Teachers are appointed by the County Board of Education, and may recommend more than one if more than one are to be employed for his subdistrict, and it shall be the duty of the county superintendent to include in the list of teachers reported by him to the County Board of Education all qualified teachers so recommended to him in writing. If any teacher positions remain unfilled after reasonable time and repeated opportunities are given for nominations as hereinbefore provided, the Board of Education may then receive recommendations of qualified teachers by any member of the board and may, in its discretion, appoint such teachers.

Teachers, principals and other employees may be appointed by the County Board of Education for any school year at any time after the first day of April next preceding the beginning of the school year; but no employees may be appointed for a longer term than one school year except treasurer of the County Board of Education, and he or she shall not be appointed for a term of more than four school years.

The County Board of Education may on recommendation of the county superintendent call the teachers in its employ together for a two-day session to confer with reference to their work and to receive instruction concerning it.

For incompetency, neglect of duty, or immoral conduct, the County Board of Education may suspend or remove from office any teacher or other employee.

The County Board of Education, subject to the laws and regulations of the State Board of Education, shall, with the advice and assistance of the county superintendent, administer, grade and standardize the schools under its jurisdiction.

In the matter of holding title to the real estate and other school property, the acquiring, the control, the management and disposition hereof, the County Boards of Education herein provided for shall be successors in office of the County Boards of Education provided for by the Acts of 1908, 1920 and 1922.

H. B. 533. An Act to repeal and re-enact Chapter 4 of the Acts of the General Assembly of 1930, and Section 2380b-43, Kentucky Statutes, 1930 Edition, relating to the maintenance of public ditches.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Chapter 4 of the Acts of the General Assembly of 1930 be and the same is hereby repealed and re-enacted, and as thus re-enacted shall read as follows:

Except as herein otherwise provided, all improvements, established or constructed under the provisions of this Act, as well as all public ditches or drains established or constructed under pre-existing laws, shall be under the control and supervision of the drainage commissioner of the county having jurisdiction of the proceedings ordering the establishment and construction thereof. It shall be the duty of said drainage commissioner to keep all such levees, ditches, drains or like public improvements under his charge, open, free from obstruction and in good repair. To accomplish that end, the said Board of Drainage Commissioners is hereby authorized and empowered to employ men and teams, and to lease, rent, hire or purchase machinery, and employ men to operate same. For the purpose of providing funds to pay the compensation herein provided to the drainage commissioner, his agents, servants and employees, outside of that portion of same which shall be provided for and paid out of the

original assessment on any drainage district, as well as to pay the cost and expense of repairing, keeping open and looking after the various public drains, ditches and like improvements under the charge of said commissioner, the lands in each drainage district, which may be established under this Act, as well as the lands assessed for each public ditch or system of drainage established under pre-existing laws, shall be and the same are hereby authorized to be assessed, in proportion to the original assessment made against them for the original establishment and construction of such system of drainage.

Provided that where a drainage district has been established diverting the course of the water, the drainage commissioner may in his discretion in order to relieve lands taxed and from which water has been diverted, use funds of the district in maintaining the original water course.

Provided, however, that no assessment for such purpose in any one year shall exceed the following amounts to-wit: In counties where there are seventy-five (75) or more drainage districts, having a cost construction of one million dollars ($1,000,000) or more, ten per centum (10%) of the original assessment against said land, and in all other counties not more than two per centum (2%) of the original assessment against said land, unless consent is first obtained in writing from the owner of two-thirds of the land affected, and in no event shall such assessment exceed ten per centum (10%) of the original assessment.

Provided, that no more than one assessment shall be made in any one year. Provided, further, that no assessment shall be made until the drainage commissioner shall prepare an assessment roll, in duplicate, giving therein the name of the owner or owners of the land to be affected, and the amount proposed to be assessed against each tract of land. Said assessment roll and the duplicate thereof shall be signed by the drainage commissioner and his secretary, and the original

thereof shall be kept on file in the office of the drainage commissioner and the duplicate, aforesaid, shall be filed with the collector of said tax. Assessments made pursuant hereto shall have the same force and effect as an original assessment and be collected in the same manner, shall be kept separate and deposited with the treasurer, who shall keep the accounts for each district or system separate, and all warrants drawn shall specify out of which account it shall be paid, and to which it shall be charged.

§ 2. Section 2380b-43, Kentucky Statutes, Carroll's 1930 Edition, be and the same is hereby repealed and re-enacted, so that said section, when so re-enacted shall read as follows:

To maintain and preserve the ditches, sewers, drains, levees, pumping stations, power plants, or other improvements made pursuant to this act, and to strengthen, repair, and restore the same, when needed, and for the purpose of defraying the current expenses of the district, the Board of Drainage Commissioners may upon the completion of said improvements, and on the first Monday of December in each year thereafter, levy an assessment upon each tract or parcel of land and other property within the district to be known as a "maintenance assessment." Said maintenance assessment shall be apportioned upon the basis of benefits assessed on account of original construction, shall not exceed ten per centum (10%) thereof in any one year, and shall be certified to the sheriff or collector of the revenue of each county in which lands of said district are situated in the same book, in like manner, and at the same time as the annual installment of assessment is certified, but in a separate column under the heading "maintenance assessment." Provided, however, that said assessment shall not in any one year exceed two per centum (2%) of the original cost of construction, unless consent be first obtained in writing from the owners of two-thirds of the lands affected thereby. Said sheriff or collector shall demand and collect the maintenance assessment and make return thereof and shall receive the same compensation there-

for and be liable for the same penalties for failure or neglect so to do as is provided herein for the annual installments of assessments. The "maintenance assessment" shall be due and payable at the same time each year that the other assessments of the district due that year are payable, shall bear the same penalties and shall be collected at the same time, and shall be enforced in the same manner.

§ 3. All laws or parts of laws in conflict herewith are hereby repealed.

It was ordered that said bills be referred to the Committee on Rules.

A message was received from the House of Representatives announcing that they had passed bills of the following titles:

S. B. 144. An Act providing for the creation of an educational commission, prescribing its powers and duties and the duties of persons in connection with it, and fixing penalties for failure to perform same, and declaring an emergency.

S. B. 305. An Act to fix and regulate jury fees where two or more cases are consolidated and tried together.

S. B. 137. An Act to amend Chapter 146 of Acts of the General Assembly, 1920 Session, entitled, "An Act relating to free public libraries in cities of the third, fourth, fifth and sixth classes of this Commonwealth," being Sections 2741d-1 to and including Section 2741d-5, Carroll's Kentucky Statutes, Official Edition 1930; by adding thereto sections providing that certain libraries shall be free public libraries, how they become such for their support and for separate libraries for the white race and for the negro race.

S. B. 462. An Act to amend and re-enact Section 75 of Carroll's Kentucky Criminal Code of Practice, Baldwin's

1932 Revision, same being Chapter 44 of the Acts of the General Assembly of 1924 as amended by Chapter 30 of the Acts of the General Assembly of 1927.

S. B. 463. An Act to amend and re-enact Section 4618b-1 and 4618b-2 of the 1930 Edition of Carroll's Kentucky Statutes, relating to State Fair and the management and control thereof.

S. B. 138. An Act to repeal and re-enact Section thirty, chapter one hundred seventy-one, Acts of the General Assembly, 1893, being section five hundred sixty-seven of Carroll's Kentucky Statutes, 1922 and 1930, relating to private corporations.

H. B. 580. An Act to amend Section 861 of Chapter 144 of the Acts of 1918 as amended by the Acts of 1928; to amend Section 865 of Chapter 144 of the Acts of 1918 as amended by acts of 1918; being respectively Sections 861, 865 and 874-b of Carroll's Kentucky Statutes of 1930, relating to building and loan associations and providing for the purchase of stock and bonds in Federal Home Loan Banks; the borrowing of money therefrom; authorizing the State Banking Commissioner to permit examination of the records of his office concerning building and loan associations by such banks and providing that building and loan associations of this State may do business with Federal Home Loan Banks. Also to amend Section 868 and 868-a of chapter 144 of the Acts of 1918, being sections 868 and 868-a of Carroll's Kentucky Statutes, of 1930, relating to profits and losses of building and loan associations and distribution thereof and to contingent or reserve fund of such associations and charging of losses and crediting of profits from sale of real estate thereto.

It was ordered that said bill be referred to the Committee on Rules.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Section 861 of Chapter 144 of the Acts of 1918 as amended by the Acts of 1928, being Section 861 of Carroll's Kentucky Statutes of 1930 be and the same is hereby amended by striking out the word "temporary" in the first sentence thereof and by adding to said section the following words: "Provided, that any building association operating under the provisions of this act may borrow of any Federal Home Loan Bank or Banks such amounts as may be permitted by the laws and rules regulating such banks, and for such length of time, and at such rate of interest as may be permitted by such banks, and the associations may pledge and assign its notes and mortgages as security for such loans, and provided further that the debt limit fixed by this section shall not be applicable to loans from such banks and such loans may be in such amounts as may be allowed by the laws and regulations governing or established by such banks," so that the same, when so amended, shall read as follows, to-wit:

"The directors shall have power to borrow money for such uses and purposes of the association as the exigencies of the business may demand and as not inconsistent with the objects of the association. To secure such loans the directors may cause the obligation or obligations of the association to be issued therefor bearing interest at not to exceed the then legal rate. No such loan or loans shall have a longer duration than two years, nor shall the aggregate amount of such outstanding indebtedness at any time exceed twenty thousand dollars ($20,000) so long as the total amount of money actually paid in by and standing to the credit of the members on account of their shares shall not be in excess of one hundred thousand dollars ($100,000); and that so long as the amounts so paid in shall not exceed one million dollars ($1,000,000) the amount of such indebtedness may be but

shall not exceed twenty (20) per cent of the entire amounts so paid in; and that thereafter, the amount of such indebtedness shall at no time be in excess of twenty (20) per cent of the first million dollars so paid in together with five (5) per cent of all amounts so paid in excess of said first million dollars.

Before any money shall be borrowed, the board of directors shall first, by a majority vote of all members, pass and record a resolution to that effect.

Provided, that any building association operating under the provisions of this act may borrow of any Federal Home Loan Bank or Banks such amounts as may be permitted by the laws and rules regulating such banks, and for such length of time, and at such rate of interest as may be permitted by such bank, and the association may pledge and assign its notes and mortgages as security for such loans, and provided further that the debt limit fixed by this section shall not be applicable to loans from such banks and such loans may be in such amounts as may be allowed by the laws and regulations governing or established by such banks."

§ 2. That Section 865 of Chapter 144 of the Acts of 1918 as amended by the Acts of 1926, being Section 865 of Carroll's Kentucky Statutes of 1930, be and the same is hereby amended by adding thereto the following words, to-wit: "or in the bonds or debentures of any Home Loan Bank established by Act of Congress. Building and loan associations operating under this act may subscribe for and invest their funds in the stock of any Home Loan Bank established by Act of Congress in such amounts and upon such terms as may be permitted by the laws and regulations governing said bank" so that the same, when so amended, shall read as follows:

"The moneys accumulated after due allowance made for necessary and proper expenses and for withdrawal of shares, shall at each monthly or weekly meeting be offered to mem-

bers according to their priority or right to a loan as fixed by the by-laws. Each member, whose application for a loan has been approved, shall be entitled upon giving proper security and complying with by-laws, to receive a loan equal to par value of each share or fractional share held by him or such part as the by-laws allow, provided, however, that the by-laws may restrict the maximum amount of loan to which members may be entitled. If a balance or money remains after the weekly or monthly loans are granted the directors may invest the same in good and safe bonds or in such other securities in which banks are now permitted to invest or in the bonds or debentures of any Home Loan Bank established by Act of Congress. Building and loan associations operating under this act may subscribe for and invest their funds in the stock of any Home Loan Bank established by Act of Congress in such amounts and upon such terms as may be permitted by the laws and regulations governing said bank."

§ 3. That Section 874-b of Chapter 144 of the Acts of 1918, being Section 874-b of Carroll's Kentucky Statutes of 1930, be and the same is hereby amended by adding thereto the following words, to-wit: "All reports and information in the hands of the Banking Commissioner of and concerning building and loan associations operating under this act shall be subject to inspection by the Federal Home Loan Bank and Federal Home Loan Bank Board and the duly authorized representative of either of them" so that said section, when so amended, shall read as follows, to-wit:

"The affairs of every domestic building and loan association not in liquidation shall be examined by the banking commissioner or by the building and loan clerk or one of the examiners provided in Section 874 of this act as often as shall be deemed necessary, but at least once in every year, and without any notice to such association, its officers or agents, and such examiner shall have the power and shall make a thorough examination into the condition, workings and affairs generally of such association, and he shall have the power to examine any officer, agent or employee of such association or

any other person under oath touching the affairs thereof, and for that purpose shall have the power to administer oath. All books, papers and records and assets of such association shall be subject to his inspection. Said examiner shall make a report of his findings and file the same in the office of the banking commissioner and the said banking commissioner shall furnish a copy of such report to the association examined. Said examiner shall report any violation of law or any unauthorized or unfit practices or any failure to keep and have correct accounts of business of such association, and if he finds that any director has wilfully neglected to attend meetings regularly, he shall recommend the discharge of such director.

"All reports and information in the hands of the Banking Commissioner of and concerning building and loan associations operating under this act shall be subject to inspection by the Federal Home Loan Bank and Federal Home Loan Bank Board and the duly authorized representative of either of them."

§ 4. That Section 868 of Acts of 1918 and being Section 868 of Carroll's Kentucky Statutes of 1930 relating to profits and losses of building and loan associations and distribution thereof, be amended by striking therefrom the following words in the last sentence "and losses sustained" and substituting therefor "and all losses sustained except such losses from sale of real estate as may be charged to reserve fund as provided in Section 868-a" so that said Section, as amended, shall read as follows:

"Dividends shall be declared, credited or paid on stock in proportion to the amount paid in on such stock, quarterly, semi-annually or annually, as the by-laws may provide, but no dividends shall be declared, credited or paid by any association, except out of net profits collected, after deducting from the earnings all expenses of operation and all losses sustained, except such losses from sale of real estate as may be charged to reserve fund as provided in Section 868-a."

§ 5. That Section 868-a of Acts of 1918, and being Section 868-a of Carroll's Kentucky Statutes of 1930 and relating to establishment of contingent or reserve fund or building and loan associations be amended by adding thereto the following:

"Provided further that any and all losses from sale of real estate may be charged against this fund, and in the event of any such charges, then any and all profits from sale of real estate shall, to the extent of losses charged, be credited to said fund."

so that said Section, as amended, shall read as follows:

"Every association shall set aside from the gross profits at least one per cent thereof each year as a sinking fund to provide against contingent losses until the total amount of the fund so set aside shall equal five (5) per cent of the assets of such association, but this sinking fund shall in no case exceed ten percentum of the assets of the association.

Provided, however, that no association shall be required to reduce its dividend below five per cent for that purpose.

Provided, further, that any and all losses from sale of real estate may be charged against this fund and in the event of any such charges, then any and all profits from sale of real estate shall, to the extent of losses charged, be credited to said fund."

§ 6. Whereas, a bill is now pending in Congress to create Federal Home Loan Banks, and

Whereas, in view of the present financial stringency it is desirable that Kentucky Building and Loan Associations be empowered to obtain the privileges and advantages to be derived from becoming members of said Federal Home Loan Banks;

Now, therefore, an emergency is hereby declared to exist

and this act shall become a law upon its approval by the Governor.

The Senate took up for consideration from the Orders of the Day a bill of the following title.

S. B. 424. An Act entitled an Act to authorize receivers and liquidating agents of closed and insolvent banks to borrow money and to secure same, pledge the assets of such bank or banks for the purpose of making distribution to depositors, or to re-organize or re-open such bank or banks.

Senator Allie W. Young moved that said bill be recommitted to the Committee on Rules with leave to report at any time.

The question being taken thereon, was decided in the affirmative.

Said bill was recommitted.

Senator Gaines moved that the vote by which S. B. 322 was passed be reconsidered.

The question being taken thereon, was decided in the affirmative.

Said bill was recommitted to the Committee on Rules.

Senator Allie W. Young moved that the Senate adjourn until 11 o'clock A. M., Thursday, March 3rd.

Said motion was agreed to.

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## THURSDAY, MARCH 3, 1932

The Senate was called to order by the President of the Senate, Lieutenant-Governor Albert B. Chandler.

The Senate was opened with prayer by Rev. O'Dwyer of the Frankfort Catholic Church.

The roll of the Senate was called and the following Senators answered to their names:

| | | |
|---|---|---|
| Jas. H. Bondurant | Silas Jacobs | J. M. Rose |
| W. W. Booles | Alex E. Johnson | R. H. Royster |
| H. M. Brock | L. C. Littrell | Dr. Lewis Ryans |
| Edwin C. Dawson | Frank I. Lloyd | E. D. Stephenson |
| Dr. T. J. Edge | Rev. C. D. McCaw | Joe Stewart |
| Thos. C. Ferguson | C.T.McCormick,Sr. | Thos. O. Turner |
| Walter N. Flippin | Wm. Mehler | Fred C. VanHoose |
| Chas. G. Franklin | E. C. Moore | F. M. White |
| Perry B. Gaines | Ray B. Moss | Sewell B. Williams |
| Arch Hamilton | D. C. Naive | W. A. Yates |
| J. S. W. Holloway | Marion F. Pogue | Allie W. Young |
| Robert Humphreys | Dr. G. W. Ragan | Gates F. Young |
| Wm. Isaacs | O. M. Rogers | —38 |

Senator Gates F. Young moved that the reading of the Journal be dispensed with and the Journal approved.

Said motion was agreed to.

Senator Turner moved that the privileges of the floor be extended to Messrs. W. D. Dawson, M. L. Orange, Mr. Eldred, Gus Baker and M. C. Camaron.

Said motion was agreed to.

Senator Yates moved that the privileges of the floor be extended to Mr. Wine Davis, Mrs. Lessenborg and Mrs. Thomas.

Said motion was agreed to.

Senator Van Hoose moved that the privileges of the floor be extended to Mr. James A. Norris and Dr. John Steel of Ashland.

Said motion was agreed to.

Bills of the following titles were introduced, referred and ordered printed, as follows, viz.:

By Senator Rogers.

S. B. 464. An Act to further regulate motor vehicles for the carriage of passengers for hire, not operating under certificates of public convenience and necessity, and to increase the powers of the State Tax Commission in repect thereof.

To Committee on Rules.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. When used in this act the term "operator" shall mean any corporation, association, company receiver, assignee or trustee thereof, and any individual or co-partnership engaged in the transportation of persons for hire on any public highway by motor vehicle not operating under a certificate of public convenience and necessity issued by the State Tax Commission or other regulatory body of the State; the term "Commission" shall mean the State Tax Commission; the term "public highway" shall mean every public road, street or highway in this State within or without the corporate limits of any municipality.

§ 2. No operator shall operate on any public highway without having paid to the Commission the annual registration fees provided by law for each motor vehicle operated by him and without having procured from the Commission a permit for such operation. Before the Commission shall issue a permit the operator shall file with the Commission an application, in such form as the Commission may require, which shall set forth, among other matters, the name and residence of the operator, the name of the chief officer if the operator be a corporation, and the names of the members if the operator be a partnership, the number and description of the vehicles

to be used by such operator, the place where the operator proposes to operate, and a list of all drivers employed or to be employed. If any changes are made in the drivers or any additional drivers are employed the operator shall, within thirty days after the employment of any new or additional driver or drivers, furnish a list thereof to the Commission. Permits shall be renewed at such times and in such manner and upon such conditions as the Commission may prescribe.

§ 3. Before any permit is granted by the Commission, the operator shall file with the Commission a good and sufficient bond with adequate corporate surety, payable to the Commonwealth of Kentucky, which shall bind the obligor therein to pay any final judgment rendered against him arising out of the death of or injury to any passenger or passengers, for loss or damage to property while in transit, or death of or injury to other persons or damage to their property, or any act or omission connected with the operation of motor vehicles by the operator, which bond shall be in the penal sum of Five Thousand Dollars ($5,000.00) for each motor vehicle operated, for death of or injury to persons, and in the further sum of One Thousand Dollars ($1,000.00) for each vehicle operated, for damage to property, resulting from the operation of any such motor vehicle.

Instead of such bond the Commission may accept and file a policy of insurance issued by any insurance company or carrier authorized to do business in this State, or other contract in writing deemed by the Commission to be adequate, by which such insurance company or insurance carrier shall assume the liability prescribed by this section.

The Commission may exempt, in whole or in part, from the requirements of this section any operator upon application for such exemption and upon showing to the Commission to its satisfaction that by reason of the financial ability of the operator there exists due assurance of the payment of any and all damages for which the operator may be liable as a result of the operation of the vehicles owned by the operator. The exemption herein provided shall be made by written order of

the Commission, which may from time to time require statements of the financial condition of such operator and may upon ten days notice in writing, for cause, revoke its order granting such exemption, in which event said operator shall immediately comply with the other requirements of this section.

No insurance company or insurance carrier issuing any policy filed with the Commission and no surety or other obligor on any bond or contract filed with the Commission shall be relieved from liability under said policy, bond or contract until after the expiration of fifteen days notice to the Commission of an intention to cancel said insurance policy, bond or other contract, and the acceptance of such notice and the cancellation of such policy, bond or other contract by the Commission shall not relieve the insurance company or insurance carrier or the surety on such bond or other contract of any liability which shall have accrued prior to the effective date of such cancellation. The Commission shall have the right to require all bonds or insurance policies to expire and be renewed upon a given day.

If any operator shall violate any provision of this act the Commission shall give notice to such operator and if after hearing the Commission finds that such operator has violated any of the provisions of this act, it shall cancel the permit issued to such operator, and after cancellation no operator shall have the right to ask for a renewal of its permit for a period of six months. Any operator whose license is cancelled by the Commission shall have the right of appeal to the Franklin Circuit Court, where said case and the hearing thereon shall be tried de novo.

§ 4. No operator shall employ as a driver of any motor vehicle, and no person shall drive any such motor vehicle, until each driver shall have been granted a license by the Commission upon application in such form as the Commission may prescribe, which shall set forth, among other things, the name of the applicant, his age, residence, experience in the operation of motor vehicles, the date and number of his registration

certificate as a chauffeur under Sections 2739g-15, 2739g-16, 2739g-18 and 2739g-19, Kentucky Statutes, and be accompanied by a certificate of medical examination by a reputable physician as to eyesight, hearing, freedom from physical defects or malformations, and condition of health and habits. The Commission may, in its discretion, require the applicant to take a practical test in the operation of motor vehicles and an examination in his knowledge of the motor vehicle laws, and may refuse to issue a license to any person who is not qualified to operate a motor vehicle for hire, and shall refuse to issue a license to any person under twenty-one years of age. The applicant shall pay to the Commission an annual fee of $2.00, which shall accompany his application, and which shall be in addition to the fee required to be paid by chauffeurs by Section 2739g-16, Kentucky Statutes. The Commission shall issue special licenses and badges to such persons as meet its requirements. All such licenses shall be subject to revocation by the Commission, after hearing, or opportunity for hearing, after ten days notice in writing to the address stated in the application. The violation of any law of this State, or of any ordinance of a city or town, shall constitute cause for a revocation of such license. All licenses shall be for the calendar year in which they are issued, and shall be renewed annually upon the payment of a fee of Two Dollars ($2.00), under such rules and regulations as the Commission may prescribe.

§ 5. All permits and licenses heretofore issued by the Commissioner of Motor Vehicles, and in force on the effective date of this act, in respect of the operation of motor vehicles under the provisions of Chapter 78 of 1930, or in respect of drivers' licenses under the provisions of Section 2739j-32, Kentucky Statutes, and all bonds, policies of insurance or contracts accepted by and filed with said Commissioner, shall continue in full force and effect in accordance with their terms, unless sooner revoked as in this act provided.

§ 6. The violation of any provision of this act shall constitute a misdemeanor, punishable by a fine of not less than Ten Dollars ($10.00) nor more than Two Hundred Dollars ($200.00) and costs of prosecution. Prosecutions under this

act may be by summary arrest, warrant or information, and quarterly courts, and the judges thereof, justices of the peace and police or city judges shall have concurrent jurisdiction with circuit courts of the trial of all offenses under this act committed within their respective jurisdictions.

§ 7. No operator of a motor vehicle for the carriage of passengers for hire, not holding a certificate of public convenience and necessity issued by the Commission or other regulatory body of the State and operating between fixed termini or over regular routes, shall operate in competition with the holder of a certificate as aforesaid over the route, or any part thereof, covered by such certificate, except for casual trips thereon or thereover, and on such casual trips the operator, or the driver of such motor vehicle, shall not pick up any passengers along the route and shall not on the return trip carry any passengers other than those carried on the original trip. The violation of the provisions of this section shall constitute a violation of this act, punishable as in Section 6 hereof provided.

§ 8. After the payment of all expenses incident to the enforcement of this act, all funds collected under its provisions shall be credited to the fund for the construction and maintenance of the State system of highways.

§ 9. All laws or parts of laws in conflict or inconsistent with the provisions of this act are hereby repealed.

By Senator Booles.

S. B. 465. An Act relating to motor vehicles and to repeal an Act approved March 5, 1926, being Chapter 122, Acts of 1926, and being Sections 2739j-1 to 2739j-40, both inclusive, Kentucky Statutes, as amended by Chapter 75, Acts of 1930, and to repeal Chapter 78, Acts of 1930.

To Committee on Rules.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an Act approved March 5, 1926, being Chapter 112, Acts of the General Assembly of 1926, as amended by an Act, neither approved nor disapproved by the Governor, being Chapter 75, Acts of the General Assembly of 1930, be and the same is hereby repealed.

§ 2. That an Act, neither approved nor disapproved by the Governor, being Chapter 78, Acts of the General Assembly of 1930, be and the same is hereby repealed.

By Senator Edge.

S. B. 466. An Act to establish as a part of the primary road system of roads a road beginning at Greenville, Kentucky and extending to Belton, Kentucky.

To Committee on Rules.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby established as a part of the Primary road system a road beginning at a point in the Greenville-Elkton road at Woodlawn Baptist church, thence with the old Greenville-Russellville road to its intersection with the Elkton-Rochester road, thence with the Elkton-Rochester road via Hazel Creek church to Belton.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions as set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a Primary System of State Highways.

By Senator Williams.

S. B. 467. An Act to establish as a part of the primary system of State highways a road from Frenchburg, Menifee County, Kentucky, via Valeria, Campton, Flat, Post Office in Wolfe County, Kentucky, to Beattyville in Lee, County, Kentucky.

To Committee on Rules.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

There is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky, a road beginning at Frenchburg, in Menifee County, Kentucky, via Valeria, Campton, Flat, in Wolfe County, Kentucky, to Beattyville in Lee County, Kentucky.

The construction, maintenance, supervision and control of said road shall be subject to and controlled by the provisions of Chapter 17 of the Acts of the General Assembly of 1920, as amended, to the same effect as if said road had been named in the original Act as one of the projects of the primary system of State highways as provided therein.

All Acts and parts of acts in conflict herewith are hereby repealed.

By Senator Williams.

S. B. 468. An Act to establish as a part of the primary system of State highways a road from and intersecting with the Beattyville-Frenchburg road at Vortex, Wolfe County, Kentucky, via Hollensville to Wilhurst in Breathitt County, Kentucky.

To Committee on Rules.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

There is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky a road beginning and intersecting with the Beattyville-Frenchburg road at Vortex, Wolfe County, Kentucky, via Hollensville to Wilhurst in Breathitt County, Kentucky.

The construction, maintenance, supervision and control of said road shall be subject to and controlled by the provisions of Chapter 17 of the Acts of the General Assembly of 1920, as amended, to the same effect as if said road had been named in the original Act as one of the projects of the primary system of State highways as provided therein.

All acts and parts of acts in conflict herewith are hereby repealed.

By Senator Williams.

S. B. 469. An Act to establish as a part of the primary system of State highways a road from Hazel Green, Wolfe County, Kentucky via Maytown Post Office to Valeria, Wolfe County, Kentucky.

To Committee on Rules.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

There is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky a

road beginning on Hazel Green, in Wolfe County, Kentucky, via Maytown to Valeria, Wolfe County, Kentucky.

The construction, maintenance, supervision and control of said road shall be subject to and controlled by the provisions of Chapter 17 of the Acts of the General Assembly of 1920, as amended, to the same effect as if said road had been named in the original Act as one of the projects of the primary system of State Highways as provided therein.

All acts and parts of acts in conflict herewith are hereby repealed.

## COMMITTEE REPORTS

Senator Allie W. Young of the Committee on Rules, to which had been referred bills of the following titles:

S. B. 464. An Act to further regulate motor vehicles for the carriage of passengers for hire, not operating under certificates of public convenience and necessity, and to increase the powers of the State Tax Commission in respect thereof.

S. B. 465. An Act relating to motor vehicles and to repeal an Act approved March 5, 1926, being Chapter 122, Acts of 1926, and being sections 2739j-1, to 2739j-40, both inclusive, Kentucky Statutes, as amended by Chapter 75, Acts of 1930, and to repeal Chapter 78, Acts of 1930.

S. B. 466. An Act to establish as a part of the primary road system of roads a road beginning at Greenville, Kentucky and extending to Belton, Kentucky.

S. B. 467. An Act to establish as a part of the primary system of State highways a road from Frenchburg, Menifee County, Kentucky, via of Valeria, Campton, Flat Post Office in Wolfe County, Kentucky, to Beattyville in Lee County, Kentucky.

S. B. 468. An Act to establish as a part of the primary

system of State highways a road from and intersecting with the Beattyville-Frenchburg raod at Vortex, Wolfe County, Kentucky, via Hollensville to Wilhurst in Breathitt, County, Kentucky.

S. B. 469. An Act to establish as a part of the primary system of State highways a road from Hazel Green, Wolfe County, Kentucky via Maytown Post Office to Valeria, Wolfe County.

Reported said bills with expression of opinion that same ought to pass.

Senator Bondurant moved that the privileges of the floor be extended to Hon. Chas. Nelson of Hardin County.

Said motion was agreed to.

Senator Gates F. Young moved that the privileges of the floor be extended to Mr. Fred Weir and Mr. V. J. Steel of Owensboro.

Said motion was agreed to.

Senator Dawson moved that the privileges of the floor be extended to Judge and Mrs. W. H. Fulton of Bardstown.

Said motion was agreed to.

Senator Van Hoose moved that the privileges of the floor be extended to Judge C. B. Wheeler and Mr. and Mrs. E. C. Brown of Prestonsburg.

Said motion was agreed to.

Senator Flippin moved that the privilege of the floor be extended to Mr. Walter Flippin, Jr., of Somerset.

Said motion was agreed to.

Senator White moved that the privileges of the floor be extended to Mr. Fred Williams and Mr. Sid Hollinsworth of Tompkinsville.

Said motion was agreed to.

Senator Humphreys moved that the privileges of the floor be extended to Messrs. Leon Evans, Joe Parks, E. Morehead, K. P. Byre, of Mayfield and Joe Davis, Jim Graham, Mack Roach, Joe Brauder and Al. Hornbeak of Fulton.

Said motion was agreed to.

Senator Floyd moved that the privileges of the floor be extended to Mrs. E. Mull and Miss Helen Mull.

Said motion was agreed to.

Senator Holloway moved that the privileges of the floor be extended to Mrs. Helen Booles of Taylorsville.

Said motion was agreed to.

## CALENDAR

Senator Gates F. Young moved that the second reading of bills and resolutions at length be dispensed with and that they be read by their titles only.

Said motion was agreed to by a majority of the members elected.

It was ordered that the bills and resolutions be read by their titles, only and placed in the Order of Day.

Said titles to bills are as follows:

H. B. 549. An Act to amend and re-enact Section 98a-7 of the Kentucky Statutes, Carroll's 1922 Edition.

H. B. 353. An Act to change the county lines between the counties of Casey and Boyle.

H. B. 326. An Act to change and fix the time of terms of court in the tenth judicial district and the same to become effective on and after the 15th day of August, 1932, and repealing the acts of 1928.

H. B. 533. An Act to repeal and re-enact Chapter 4 of the Acts of the General Assembly of 1930, and Section 2380b-43, Kentucky Statutes, 1930 Edition, relating to the maintenance of public ditches.

H. B. 760. An Act to amend Section 4399a-7 Kentucky Statutes, Carroll's 1930 Edition relating to powers and duties of county board of education.

H. B. 580. An Act to amend Section 861 of Chapter 144 of the Acts of 1918 as amended by the Acts of 1928; to amend Section 865 of Chapter 144 of the Acts of 1918 as amended by Acts of 1926; and to amend Section 874-b of Chapter 144 of the Acts of 1918; being respectively section 861, 865 and 874-b of Carroll's Kentucky Statutes, of 1930, relating to building and loan associations and providing for the purchase of stock and bonds in Federal Home Loan Banks; the borrowing of money therefrom; authorizing the State Banking Commissioner to permit examination of the records of his office concerning building and loan associations by such banks and providing that building and loan associations of this State may do business with Federal Home Loan Banks. Also to amend Sections 868 and 868a of Chapter 144 of the Acts of 1918, being Sections 868 and 868-a of Carroll's Kentucky Statutes, of 1930, relating to profits and losses of building and loan associations and distribution thereof and to contingent or reserve fund of such associations and charging of losses and crediting of profits from sale of real estate thereto.

S. B. 462. An Act to amend and re-enact Section 75 of Carroll's Kentucky Criminal Code of Practice, Baldwin's 1932 revision, same being Chapter 44 of the Acts of the General As-

sembly of 1924 as amended by Chapter 30 of the Acts of the General Assembly of 1927.

S. B. 463. An Act to amend and re-enact Section 4618b-1 and 4618b-2 of the 1930 edition of Carroll's Kentucky Statutes relating to State Fair and the management and control thereof.

Senator Allie W. Young moved that the Senate recess until 1:30 o'clock P. M.

Said motion was agreed to.

The Senate reconvened at 1:30 o'clock P. M.

Senator Gates F. Young moved that the privileges of the floor be extended to Mr. Garth Ferguson of La Center.

Said motion was agreed to.

Senator Dawson moved that the privileges of the floor be extended to Dr. J. N. Allen, Messrs. Walter Johnson, F. M. Hagan, W. P. Ray and L. P. Dawson of New Haven.

Said motion was agreed to.

Senator Royster moved that the privileges of the floor be extended to Mr. Jim Norment, Mr. Heilbroner, Mr. Blackwell and Mr. Jas. Norment.

Said motion was agreed to.

Senator Edge moved that the privileges of the floor be extended to Mr. M. B. McDonald of Greenville, Ky.

Said motion was agreed to.

Senator Booles moved that the privileges of the floor be extended to Ex-Senator Frost and Ex-Senator Zimmerman.

Said motion was agreed to.

Senator Gates F. Young moved that a Committee be appointed to arrange for a return dance.

The following were appointed on said Committee: Senators Gates F. Young, Alex E. Johnson, Ray Moss, E. D. Stephenson and James "Red" Roberts.

Senator Gaines moved that the Senate refused to recede from the amendment proposed to H. B. 672 on February 26th.

Thereupon, the Lieutenant-Governor appointed Senators Gaines, Rogers and Moore as a Conference Committee to meet with a like committee from the House of Representatives.

Senator Edge moved that the privileges of the floor be extended to Messrs. J. M. Williams and N. P. Casebier of Beaver Dam.

Said motion was agreed to.

Senator Moss moved that the privileges of the floor be extended to Messrs. W. B. Fugate, Jno. Owsley, Chas. Cook, Robt. Cook, N. H. McSiboney, G. Whitfield, C. H. Townsend, G. W. Patterson and E. W. Wilson.

Said motion was agreed to.

Senator Hamilton moved that Roy Hamilton Keith of Hodgenville be made honorary page for the day.

Said motion was agreed to.

Senator Stewart, of the Committee on Enrollment, reported that they had examined and found correctly enrolled, bills and resolutions which originated in the Senate, of the following titles:

S. B. 307. An Act to amend Section 7 of Chapter 35, Acts of the General Assembly of 1914, Section 415b-7, Kentucky

Statutes, 1922-30, relating to Pensions for Confederate Soldiers.

S. B. 188. An Act to amend Section 191 of the Criminal Code of Practice relating to the formation of the jury and providing for a thirteenth juror in certain cases.

S. B. 183. An Act to amend Section 28 of Carroll's Criminal Code of Practice, Baldwin's 1927 Edition and relating to bail in criminal cases.

S. B. 185. An Act to amend Section 36 of Carroll's Code of Criminal Practice, Baldwin's 1927 Edition, relating to Arrests.

S. B. 195. An Act to provide the circuit courts of this State with copies of the Statutes and Codes of Practice and Supplements thereto and repealing Section 2432 of Carroll's Kentucky Statutes, Baldwin's 1930 Revision.

Senator Stewart, of the Committee on Enrollment, reported that they had examined and found correctly enrolled, bills and resolutions which originated in the Senate, of the following titles:

S. B. 96. An Act to extend the jurisdiction of notaries public into counties other than the county of their appointment.

S. B. 193. An Act to amend and re-enact 971-3, 971-4, 971-10, 971-12, and 971-13 of Carroll's Kentucky Statutes, Baldwin's Revision of 1930.

S. B. 177. An Act amending Section 4426b-1, Kentucky Statutes, Carroll's 1930 Edition, being Section 1 of chapter 37 of the Acts of the General Assembly of 1922, relating to the election of subdistrict school trustees.

S. B. 138. An Act to repeal and re-enact Section thirty, Chapter one hundred seventy-one Acts General Assembly,

1893, being Section five hundred sixty-seven of Carroll's Kentucky Statutes, 1922 and 1930, relating to private corporations.

S. B. 305. An Act to fix and regulate jury fees where two or more cases are consolidated and tried together.

S. B. 144. An Act providing for the creation of an educational commission, prescribing its powers and duties and duties of persons in connection with it, and fixing penalties for failure to perform same, and declaring an emergency.

Senator Stewart, of the Committee on Enrollment, reported that they had examined and found correctly enrolled, bills and resolutions which originated in the Senate, of the following titles:

S. B. 349. An Act enabling cities of the second class to acquire, construct, improve, operate and maintain bridges across navigable streams, and to acquire and operate ferries thereover, so as to connect such cities with an adjoining State; providing for the creation of bridge commissions of such cities and prescribing their powers and duties; authorizing the issuance of revenue bonds such cities, payable solely from bridge and ferry earnings, to pay the cost of such bridges and improvements thereof and such ferries; providing for the collection of bridge and ferry tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the bridges and ferries; setting forth the conditions upon which such bridges shall become free bridges; providing that no debt of such cities shall be incurred in the exercise of any of the powers granted by this act; providing for condemnation.

H. B. 400. An Act relating to the advancement of credit against labor performed or to be performed.

H. B. 292. An Act setting out the qualifications of members of Boards of Educations in the Commonwealth of Kentucky.

H. B. 320. An Act to provide for the appointment of a curator for persons absent and not known to have been living for a year or more; and to prescribe the duties of such curator.

H. B. 234. An Act guaranteeing to all children in this Commonwealth, school privilege for the legal term of School.

H. B. 207. An Act to repeal and re-enact Section 3051 of the Kentucky Statutes, 1930 Edition, relating to annexation by cities of the second class.

H. B. 730. An Act to provide for the appointment of a county superintendent of Schools in counties containing cities of the first or second class, and describing his term of office, qualifications, duties and salary, and repealing all laws or parts of laws in conflict herewith.

H. B. 544. An Act requiring all incorporated cities and towns in the State of Kentucky to acquire lands for dumping garbage, and compelling said city or town to keep an open road to and from such lands in repair.

H. B. 123. An Act enabling cities of the third class, to acquire, construct, operate and maintain electric light, heat and power plants and to issue revenue bonds of such cities to pay the cost thereof, payable solely from the revenues of such works without the incurrence of any indebtedness of said cities.

H. B. 392. An Act providing for the practice of Barbering and Beauty Specialists requiring the registration of Barbers and Apprentices and Beauty Specialists and Apprentices, and the supervising of Barber Shops and Beauty Shops.

H. B. 271. An Act creating a county Civil Service Board in counties of this Commonwealth in which there is located a city of the first class, defining the powers and duties of said Board; providing for the expenses thereof; repealing sections 3783 and 3784 of Carroll's Kentucky Statutes, compiled and

edited by the Baldwin Law Book Co., 1930, Edition in so far as said sections relate to counties having a city of the first class.

H. B. 19. An Act relating to roads and bridges and establishing as a part of the primary system of State Highways a road leading from a point on United States highway 227 where the Elk Ridge and Lusby Road intersects same through Lusby to United States Highway 25 at or near Corinth in Grant County, Kentucky., designating the same as State Project —.

H. B. 33. An Act to establish as part of the primary road system of roads and highways of this Commonwealth, a road beginning at State project No. 55, known as Carrollton-New Castle road at a point known as the William Jenkins farm, and extending in a westerly direction to providence church, thence in a northwestly direction to U. S. No. 42, at a point near the mouth of Daughtery Creek, or from Providence Church in a southwesterly direction to a point intersecting State Project 37, at a point near Ewing's Ford.

H. B. 42. An Act to establish as a part of the State primary road system a road to be known as project No. —, to lead from project No. 19½ at Buckner in Oldham County, Kentucky by way of Cedar Point, Jack Smoot Farm and Barbara Besler Farm to connect with project No. 13 at the Liberty Church in Oldham county.

H. B. 49. An Act to establish a road project.

H. B. 50. An Act to establish a primary road project.

H. B. 51. An Act to establish a primary road project.

H. B. 77. An Act establishing as a part of the primary system of State highways a road beginning at Elizabethtown, Kentucky, in Hardin County and running thence via Bethlehem Academy, Blue Ball Church Four Corners, to big Spring,

intersecting the proposed Lincoln Highway at Big Spring in Hardin County, Kentucky.

H. B. 86. An Act to extend the Garrett Highway from the mouth of Wolf Creek and up Wolf Creek to the Pike and Williamson State Road.

H. B. 106. An Act establishing as a part of the primary system of State highways of the Commonwealth of Kentucky a road located in Muhlenberg County, and beginning at the city limits of Central City, running in a southern direction through String Town to Rosewood; thence to project No. 98 near the Muhlenberg and Todd County Line.

H. B. 124. An Act relating to roads and highways.

H. B. 138. An Act to add to the primary road system of the State.

H. B. 139. An Act establishing as a part of the system of State highways, a road from Letcher Gap, to Cold Spring, etc.

H. B. 159. An Act to establish a road and make part of the State Primary System, a road from Windyville in Edmonson County to connect with the State Highway near Honakers ferry in Warren County.

H. B. 166. An Act creating and establishing as a part of the State primary system of roads and highways, a road project, leading from U. S. Highway No. 25, near Turkey Creek, via Girdler, to Tom Jones Farm on Big Richland Creek; in Knox County, Kentucky, said road to be known and designated as the James D. Black Highways.

H. B. 169. An Act creating and establishing as a part of the primary system of State highways of the Commonwealth of Kentucky a road leading from Harrodsburg in the County of Mercer to Sparrow in the County of Anderson, to be known and designated as project —.

H. B. 191. An Act establishing as a part of the primary system of State highways of the Commonwealth of Kentucky a road from Thurlow, Green County to Three Springs in Hart County.

H. B. 203. An Act relating to roads and to establish as a part of primary highway system a road from North Grassy, in Magoffin County via Hindman, Kentucky, to a point on 15 near Cody, Kentucky.

H. B. 213. An Act to add to the State primary system of roads the route from Denniston, Menifee County, Kentucky, by way of Pomeroyton in Menifee county, Kentucky, to a point on the Kentucky-Virginia Highway about three miles east of Campton in Wolfe County.

H. B. 214. An Act to add to the primary system of roads of the Commonwealth of Kentucky, the route from Frenchburg in Menifee County, Kentucky, down Beaver Creek through Scranton, Menifee County, Kentucky, to the mouth of said Beaver Creek at Licking River in Menifee County, Kentucky.

H. B. 222. An Act relating to roads and highways and establishing a road beginning at Old Cedar Baptist Church near Monterey on road project F. A. 221 and known as the Owenton Monterey-Frankfort road and running southeast via, Truesvilles, Tacketts Mill, Owen County, Elmville, Franklin County and intersecting with project U. S. 227 about one mile north of Stamping Ground, Kentucky, in Scott County.

H. B. 228. An Act establishing as a part of the primary system of State highways of the Commonwealth of Kentucky, a road leading from the corporation limits of Scottsville, Kentucky, to the Tennessee State line, known now as the Hartsville Road, which passes Shady Grove School House and Farm of H. C. Dobbs.

H. B. 230. An Act establishing as a part of the primary system of State highways of the Commonwealth of Kentucky,

a road leading from Fitzpatricks Store, two miles south east of Scottsville on the Scottsville and Holland Pike, in Allen county, to the Tennessee State line via Lucy A. Bradley Farm and Mount Union Church.

H. B. 229. An Act establishing as a part of the primary system of State Highways of the Commonwealth of Kentucky, a road leading from the corporation limits of Scottsville, Kentucky, to Brown's Ford Bridge, via Maynard, Kentucky.

H. B. 235. An Act establishing State Highway Project No. 235.

H. B. 237. An Act to establish as a part of the primary system of State highways of the Commonwealth of Kentucky, a road commencing at the Richmond and McKee State highways No. 21, running down Red Lick to Station Camp Creek, in Estill County, Kentucky, to the State Highway Project No. 83.

H. B. 240. An Act establishing the road commencing at Gest, Henry County via Sandripple through Lecompts Bottom by the mouth of Flat Creek to intersect No. 37 at a point near Bald Knob High School, in Franklin County as part of the State Highway System.

H. B. 242. An Act to establish a new State primary road project, to be known as project No. —, beginning at Corydon on U. S. Highway No. 60, in Henderson County, Kentucky, and known as Upper Corydon road, and extending in a northeastern direction to Smith's Mill, in Henderson County, Kentucky a distance of approximately four and one-half miles.

H. B. 247. An Act relating to roads and highways and establishing a road beginning at the Georgetown, Stamping Ground and Owenton Road known as project U. S. 227 at the place where the turnpike leading from New, to Fairbanks, Kentucky, crosses said Owenton, Stamping Ground and Georgetown road in Owen County, and running eastward to

Fairbanks, crossing Caney Creek and intersecting with the Lees Mill and New Columbus pike at the Hunter Residence, thence to Natlee, New Columbus and Corinth, intersecting with the Dixie Highway at Corinth, Kentucky.

H. B. 255. An Act establishing road leading from Flippin to Jeffery to or near Mud Lick.

H. B. 263. An Act relating to roads and highways provided for making a part of the primary road system of the Commonwealth of Kentucky, a project running from the Highway near West Fort Church in Calloway County, Kentucky, north via of Kirksy, north intersecting highway in Marshall County, Kentucky.

H. B. 264. An Act establishing as a part of the primary system of State highways a road running from the intersection of the Carrollton and Eagle Turnpike with project 59 of the primary system of State highways near Gap Hill in Carroll County, Kentucky, to Wheatley, Kentucky, via Easterday, Kentucky, and Eagle Station, Kentucky, and designating said road as project 59.

H. B. 265. An Act establishing as a part of the primary system of State highways of the Commonwealth of Kentucky, a road running from Northville to Sanders in Carroll County, Kentucky, and designating said road as project 59D.

H. B. 274. An Act to establish a primary road project from the mouth of Emily Creek in Martin County, thence up Emily Creek to the Mouth of Copers Mine thence up Copers Mine and across the hill to Lick Branch to the Pike County, line on the waters of Big Creek.

H. B. 282. An Act establishing State primary road project — from Benton, in Marshall, county to Bardwell, in Carlisle County, by way of Boaz and Lowes in Graves County, Kentucky.

H. B. 283. An Act to amend Kentucky Statutes, Section

4365t-5, which is an act designating and establishing primary State roads, by adding thereto project No. — described as beginning at a point in road running from Simpsonville and Chestnut Grove, in Shelby County, Kentucky, and running by way of Todds Point and Floydsburg, and connecting with State Highway 22 at Crestwood, in Oldham County, Kentucky.

H. B. 286. An Act to establish a primary road project from the end of West 13th St., at the city limits, to Barren River Church, connecting with State Project No. 410.

H. B. 287. An Act establishing as a part of the primary system of State highways a road to be known as project No. — beginning at a point on Highway No. 71 at Hadley, Warren County, Kentucky, by way of Ebenezer Church and Cave Hill to Richelieu, Logan County, Kentucky.

H. B. 289. An Act relating to roads and Highways.

H. B. 290. An Act to establish as a part of the primary system of roads of the State highways of the Commonwealth of Kentucky, a road leading from Falmouth, Pendleton, County, Kentucky, on U. S. Highway No. 27, by the way of Morgan and Cordova to intersect U. S. Highway No. 25 at Corinth, Grant County, Kentucky and designating same as No. —.

H. B. 299. An Act to establish as part of the State primary road system a road to be known as project — starting on highway 81 at Calhoun, by the Poverty and Mt. Vernon Church near Lemore, Connecting at Wrightsburg.

H. B. 301. An Act creating and establishing as a part of the primary system of State highways of the Commonwealth of Kentucky, a road leading from Willisburg, Washington County, Kentucky, and continuing, via Polin, Kentucky, Mt. Zion and Sutherlands Mill, to Chaplin Nelson, County, Kentucky, to be known and designated as Project No. —.

H. B. 302. An Act to amend Kentucky Statutes Section 4356t-5 which is an act designating and establishing primary State roads, by adding thereto project No. — described as beginning at a point on U. S. Highway No. 42, and running to Wises Landing.

H. B. 303. An Act to amend Kentucky Statutes Section 4356t-5 which is an Act designating and establishing primary State roads by adding thereto project No. 666, described as beginning at a point in U. S. Highway No. 42, near Abotts Store, thence in a northwesterly direction to Hickory Grove Church, thence westerly by the farm of T. E. Kidwell, to Pattons Creek, thence westerly Cobington Church to a point in State Highway No. — Near Westport, Kentucky.

H. B. 304. An Act to amend Kentucky Statutes Section 4356t-5 which is an act designating and establishing primary state roads by adding thereto project No. — described as beginning at a point in U. S. Highway No. 42 near the intersection of the Westport County Road, and running with said county road, by the farms of Park Bowling, Richard Hamblen, and W. C. Kesley, to the Town of Westport, Kentucky.

H. B. 305. An Act to amend Kentucky Statutes, Section 4356t-5, which is an act designating and establishing primary State roads by adding thereto project No. — described as beginning at a point in State road No. 37, near Humphry Gividens in Trimble County, and running over county road known as Webb and Foree, intersecting State road No. 63, in the town of Sulphur, Henry County, Kentucky.

H. B. 306. An Act to establish a primary road project to be known as project No. — beginning where the Steel Bridge crosses Watts Creek in Whitley County, Kentucky, at a point in the State road No. 25W, 2 miles north of Williamsburg via Gold Bug to Youngs Creek Post Office and connecting with the Corbin and Cumberland Falls Road.

H. B. 308. An Act to establish as a part of the State primary road system a road to be known as project No. — to lead

from a point on highway No. 60, at or near Nick Mills, farm in Meade County, Kentucky, thence in a westerly direction to or near Jim Kings farm, thence to Arnold School House and intersecting primary State road at Frymire, Kentucky.

H. B. 309. An Act to establish as a part of the State highway primary road system a road to be known as project No. — to lead from primary State road near Ekron where Hill Grove road intersects primary State road, thence to Aldrich Schacklett's farm and thence to Hill Grove School, and Church, thence to Big Spring intersecting Lincoln Highway route by way of Meadeville and Hall School House, in Meade County, Kentucky.

H. B. 315. An Act to establish as a part of the primary system roads of the State Highways a road from near mouth of Abner Fork of Beaver Creek to the upper end of town of Weeksbury, Kentucky.

H. B. 327. An Act creating and establishing as a part of the primary system of roads and highways of the Commonwealth of Kentucky, a road extending to the Doctor Thomas Walker Memorial Highway, from the present terminus of said highway, via Indian Creek to connect in Knox County, with the road leading from Dishman Springs to Williamsburg.

H. B. 328. An Act creating and establishing as a part of the State primary system of roads and highways, a road project leading from Corbin, Knox County, Kentucky, via Wilton to the Highway leading from Barbourville to Williamsburg, in Knox County, Kentucky.

H. B. 329. An Act creating and establishing as a part of the State primary system of roads and highways a road project beginning at Fount and leading to the road fork of Stinking Creek, in Knox, County, Kentucky.

H. B. 330. An Act creating and establishing as a part of the State primary system of roads and highways a road proj-

ect leading from U. S. highway No. 25 at Evergreen, Kentucky, near Flat Lick and running through Old Flat Lick, in Knox County, Kentucky, and thence to the mouth of Moore's Creek and up Moore's Creek to the Bell County line.

H. B. 349. An Act to establish a primary road project from a point in the Glenn Lilly road to a point on State highway No. 71, near George Jefferson Property.

H. B. 350. An Act relating to roads and bridges and establishing as a part of the primary system of Kentucky, a road leading from a point where the Binghamtown Cut Off intersects with U. S. Highway No. 25E to a point in Middlesboro, Kentucky, where Fitzpatrick Avenue intersects with Cumberland Avenue.

H. B. 351. An Act establishing a road project from corporation limits of Scottsville, Kentucky, along present traveled road by Gainsville, Meador, across Osborne Ford on Barren River, by Kepler, Warren County, intersecting Bowling Green and Glasgow, road at Kirby Farm.

H. B. 352. An Act relating to roads and bridges and establishing as part of the primary system of the State highways a road leading from a point where 20th Street intersects with Cumberland Avenue, in Middlesboro, Bell County, Kentucky, to a point on U. S. Highway No. 25.

H. B. 365. An Act to be placed on the State road primary system a road from Biever Bend Filling Station to Red Hill School House in Rockcastle County, Kentucky.

H. B. 366. An Act to add to the State primary system of roads a road from Highway No. 168 near James Bullocks residence at Maretsburg to Bromo Post Office by J. D. Noe farm in Rockcastle County.

H. B. 367. An Act to be placed on the State primary system of roads a road from Livingston the nearest, and most

practical route to the Devoult School House on Skaggs Creek in Rockcastle County.

H. B. 368. An Act to estalish a new primary road project to be known as project — beginning at Blackey, Letcher County, Kentucky and extending to State highways 15, via Carcassonne Community Center.

H. B. 371. An Act establishing as a part of the primary road system, a road leading from Danville and Lebanon highway No. 168 and 68, to Penick Station, a distance of approximately one-half mile.

H. B. 376. An Act establishing as a State primary road in Allen County a road beginning at Daltons store on the Scottsville and Lafayette Road and running to Amos via Doddy to Long Creek at the Asbury Napier Ford.

H. B. 377. An Act establishing as a State primary road in Allen County, a road beginning at Luther Stewarts in Allen County, Kentucky on the Holland and Lafayette Pike, and extending to the Monroe County line via the farms of Ralph Johnson, Henry Bandy, Burt Lee and Leo White.

H. B. 379. An Act establishing as part of the primary system of the State highway, a road project leading from Milltown, Kentucky, via Portland and Pickett, in Adair County, Kentucky, to Mell, Kentucky, in Green County.

H. B. 380. An Act establishing as part of the primary system of the State highways, a road project leading from Milltown, Kentucky, to the Columbia and Edmonton Road near Union Church in Adair County.

H. B. 381. An Act establishing as part of the primary system of the State highways, a road leading from State Project 1-25-255 at or near Hobson, in Taylor County to connect with State Project 41½ at most available point.

H. B. 382. An Act establishing as part of the primary

system of the State highways, a road project leading from Columbia and Edmonton Road at or near Bliss, Kentucky, to Columbia and Greensburg Road at or near James Grissom farm, in Adair County, Kentucky.

H. B. 383. An Act establishing as part of the primary system of the State highways, a road leading from Campbellsville to Spurlington in Taylor County.

H. B. 384. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

H. B. 385. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

H. B. 386. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

H. B. 388. An Act establishing as a part of the primary system of State highways of the Commonwealth of Kentucky a road beginning at the Allen and Warren County line of the upper Scottsville and Bowling Green Road and extending to Noe's Store on the Scottsville and Gainsville Road and passing by Britt's Mill and Settle, Kentucky.

H. B. 398. An Act creating and establishing as a part of the State primary system of roads and highways a road project beginning at Buckhorn, a city on the middle fork of the Kentucky River; thence up the same, so as to intersect with Project 80, at Hyden, the county seat of Leslie.

H. B. 399. An Act creating and establishing as a part of the State primary system of roads and highways a road project beginning at Pineville, Kentucky; thence up the right fork of Straight Creek and down the middle fork of the Kentucky River, so as to intersect at a point on the Harlan-Hyden Highway.

H. B. 401. An Act establishing as a part of the State highway system, a road project from Whitesburg, Kentucky, to Line Fork in Letcher County, Kentucky, intersecting with Project No. —.

H. B. 402. An Act to amend Kentucky Statutes, Section 4356t-5, which is an Act designating primary State roads, by adding thereto Project No. —, described as beginning at a point in Road No. 22, in Crestwood, Oldham County, Kentucky, thence running by the way of Lake Louisvilla over new right-of-way to road in Jefferson County, Kentucky.

H. B. 404. An Act to establish as a part of the primary system of State highways of the Commonwealth of Kentucky a road from Summersville by way of Gabe, Gardner's Mill, Quisenberry Chapel, Green County, to the Jackson Highway near Lynnwood, Hart County, Kentucky.

H. B. 408. An Act to add to the primary system of roads a road from Nelson's Store to Green Mount Post Office in Laurel County.

H. B. 411. An Act to establish as a part of the primary system of State highways a road from the Sandy Hook and Louisa road near the J. L. Hulett farm in Lawrence County to the Mayo Trail on George's Creek.

H. B. 412. An Act to establish as part of the primary road system of roads and highways of this Commonwealth, a road beginning at the farm of Mike Noe on the Lancaster-Richmond road and extending in a southerly direction, passing the sight of "Uncle Tom's Cabin," thence by the store of Sam Hurt and to the Lancaster-Crab Orchard road, at or near the bridge over Dix River.

H. B. 415. An Act establishing as a part of the primary system of the State highways a road beginning at Cynthiana, Harrison County, Kentucky, via White Oak, Selma, Fairview,

Hinton, to a point on Dixie Highway near Stonewall in Scott County.

H. B. 416. An Act establishing as a part of the primary system of State highways a road beginning at a point on State Project 58a at Broadwell, Harrison County, thence via Jacksonville and Centerville to Lexington, Fayette County, Kentucky.

H. B. 420. An Act to add to the primary system of roads in Rockcastle County from the entrance of the Dughill road into Highway No. 138 to Bishop's store.

H. B. 424. An Act establishing as a part of the primary system of State highways a road beginning at George Reeve's farm, in McLean County, Kentucky, thence near Oak Grove Church via Buel, intersecting with Route 71 at Flat Buck Creek Church.

H. B. 435. An Act to establish as part of the State primary road system a road to be known as Project No. —, starting on the Dawson Springs-Providence road near Charleston, Hopkins County, by way of Union Grove, Evans Mill, White School to a point on Dawson Springs-Priceton road, approximately three miles from Dawson Springs.

H. B. 436. An Act to establish as part of the State primary road system a road to be known as Project No. —, starting on Highway No. 91 between Crider and Baker's Station via Charlene connecting with Fairview Church on Ollie James Highway.

H. B. 437. An Act to establish as part of the State primary road system a road to be known as Project No. —, beginning at a point on the Princeton and Cadiz road known as Hopson Store in Caldwell County and extending thence to Wallonia, Trigg County, a distance of about five miles.

H. B. 438. An Act to establish as part of the State

primary road system a road to be known as Project No. —, beginning on Federal Highway 62, at or near the farm known as the Mollie Pettit farm in Caldwell County, Kentucky, extending thence by Silver Star School House to what is known as the Emerson Place, colored, thence intersecting the Cadiz Road near Jim Tandy's place.

H. B. 442. An Act to add to the primary system a road from Elba on the State Highway No. 54 through the town of Delaware, Niagara to Anthostion to Highway No. 41, near Henderson.

H. B. 443. An Act establishing as a part of the primary system of State highways a road beginning at a point on State Project 21 at Lair, Harrison County, Kentucky, thence via a point on 58a near Lebus Quarry; thence with the Grays Run and Mount Vernon to a point in State Project 166 thence via White Oak to a point in State Project 229 at Breckinrige, Harrison County, Kentucky.

H. B. 444. An Act establishing as part of the primary system of State highways a road beginning at a point on State Project 58b in Harrison County, at Tollgate House, thence via Shady Hook, Morning Glory and Salt Well to Carlisle in Nicholas County.

H. B. 445. An Act establishing as a part of the primary system of State highways a road beginning at a point on the Dixie Highway at Corinth, Grant County, Kentucky, thence via Stringtown, Colmansville, Herry, Kelat, Sunrise to Oddville, Harrison County.

H. B. 451. An Act to add to the primary system of State highways a route starting at Jeffersonville, Montgomery County, at Tabor's Shop by Marion Martin's farm, thence over Morris Mountains to Cane Creek, thence on to Bowen Station, Powell County, Kentucky.

H. B. 453. An Act to establish a primary road project

to be known as Project No. —, beginning one-fourth mile south of Flippin, Kentucky, at a point known as the Frain Cemetery on Highway 100, via Deep Ford on Barren River, to Akersville, Kentucky, connecting with Tennessee Highway at Walker Springs.

H. B. 454. An Act to establish a primary road project from Cannel City, Morgan County, Kentucky, via Grassy Creek, Woodsbend and Yocum to intersect with State highway at Wrigley, Kentucky.

Whereupon all other business was suspended; said bills and resolutions were read at length and compared in open Senate, and were found to be correctly enrolled. Thereupon, the President of the Senate, in open session, in the presence of the Senate, affixed his signature to said bills and resolutions.

Ordered that the Enrolling Clerk deliver said bills and resolutions to the House of Representatives.

After a time the Enrolling Clerk delivered the original and enrolled bills and resolutions which originated in the Senate, to the Clerk.

Ordered that the Clerk deliver the enrolled bills and resolutions which originated in the Senate, and which had been signed by the presiding officers of the Senate and House of Representatives, to the Governor.

After a time, the Clerk reported that he had performed that duty.

A message was received from the House of Representatives announcing that they had passed bills and resolutions of the following titles:

H. B. 324. An Act fixing the fiscal year of cities of the fourth, fifth and sixth class.

To Committee on Rules.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. The fiscal year of cities of the fourth, fifth and sixth class shall end at 12 o'clock at night on the 31st day of December of each year.

§ 2. All laws or parts of laws in conflict herewith are hereby repealed.

H. B. 605. An Act to amend and re-enact Sections 1, 2, and 19 of an Act entitled, "An Act to authorize cities of the second, third and fourth classes to acquire water works and to issue bonds therefor, payable from the revenues of such works," being Chapter 133 of the Acts of the General Assembly of 1926, so as to extend the provisions thereof to include the acquisition of sewerage systems within said cities.

To Committee on Rules.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Sections 1, 2, and 19 of an Act entitled, "An Act to authorize cities of the second, third and fourth class to acquire water works and to issue bonds therefor, payable from the revenues for such works," being Chapter 133 of the Acts of the General Assembly of 1926, be and the same hereby are amended and re-enacted so that the same as amended and re-enacted shall read as follows:

1. That cities of the second, third and fourth class, whether organized under the general law or special charter

law, and including such cities where the commission form of government has been adopted, are hereby authorized and empowered to purchase, establish, erect, maintain and operate water works and/or sewerage system, and necessary appurtenances thereto, within or without the corporate limits under the provisions of this Act, for the purpose of supplying such city or town and inhabitants thereof with water and/or sewerage system.

2. For the purpose of defraying the cost of acquiring any such water works and/or sewerage system, either by purchase or construction, and appurtenances or extensions thereto, and such city may borrow money and issue negotiable bonds, provided no such bonds shall be issued unless and until authorized by an ordinance specifying the proposed undertaking, the amount of bonds to be issued and the maximum rate of interest such bonds are to bear, which shall not be more than six per cent (6%) per annum. Such ordinance shall further provide that the proposed water works and/or sewerage system and appurtenances which are to be acquired, or the proposed extensions thereto, are to be made pursuant to the provisions of this Act.

19. This Act shall be deemed to create an additional and alternate method for the acquisition of water works and/or sewerage system by any city of the second, third or fourth class and shall not be deemed to include, alter, amend or repeal any other statute. No proceedings shall be required for the acquisition of any water works hereunder or the issuance of bonds hereunder except such as are prescribed by this Act, any provision in the general laws of the Commonwealth of Kentucky or the charter of any city to the contrary notwithstanding. All of the powers heretofore vested in cities of the second, third and fourth class relative to the acquisition of water works and the issuance of bonds therefor, as provided in Chapter 133 of the Acts of the General Assembly of 1926, are hereby vested in said cities for the purpose of acquiring sewerage systems.

§ 2. Whereas, many of the cities to which this Act is

applicable are now without adequate sewerage facilities, thus endangering the health, safety and convenience of the inhabitants thereof, and, therefore, an emergency is hereby declared to exist and this Act shall take effect immediately upon its passage and approval by the Governor.

H. B. 547. An Act submitting to the qualified voters of third and fourth class cities contracts for utility service for a period of more than two years.

To Committee on Rules.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That all contracts involving a utility service of any character, for a period of more than two years, shall be null and void unless it shall be first submitted to the qualified voters of the cities of the third and fourth class voting at the regular November election held in such year in such city, after first publishing in all the newspapers of general circulation published in such city once each week beginning at least forty-five (45) days prior to such election.

If no such newspaper is published in such city then it shall be published in the newspaper of such county for the same period of time and in the same manner; provided if no such newspaper is published in such city or county then by posting large posters in ten or more prominent places in such city forty-five (45) days prior to such election.

Said contract shall not be completed until it receives a two-thirds (2/3) of all the votes cast in such elections. The question to be submitted shall be: "Are you in favor of city entering into a contract with ..... utility for a period of ..... years, at ..... rates?"

Such blanks as appear in question must be completed before submitting ballots.

H. B. 586. An Act to amend Sections 7 and 18 of an Act entitled, "An Act to provide an elective system of workmen's compensation for industrial accidents," and known as Chapter 33 of the Acts of the General Assembly of the Commonwealth of Kentucky for the year 1916 and subsequent amendments thereto, said sections as amended and to be amended being known as Sections 4887 and 4899 of Carroll's Kentucky Statutes, Sixth Edition, 1922.

To Committee on Rules.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Section 7 of said Act be repealed and re-enacted, so that when re-enacted said section shall read as follows:

"Section 7. Except as provided in Sections 4 and 5, compensation shall be payable from the time of disability and all compensation shall be payable on the regular pay day of the employer commencing with the first regular pay day after the injury and disability, with interest at the rate of six per cent per annum on each installment from the time it is due until paid."

§ 2. That Section 18 of said Act be repealed and re-enacted, so that when re-enacted said section shall read as follows:

"Section 18. For injuries enumerated in the following schedule, the employee shall receive in lieu of all other compensation, except such as may be payable under Sections 4 and 5 hereof, a weekly compensation equal to 65% of his

average weekly earnings, but not less than $5.00 per week nor exceeding $12.00 per week, for the respective periods stated thereon, to-wit:

"For the loss of a thumb, 65% of the average weekly wages during 60 weeks.

"For the loss of a first finger, commonly called the index finger, 65% of the average weekly wages during 45 weeks.

"For the loss of a second finger, 65% of the average wages during 30 weeks.

"For the loss of a third finger, 65% of the average weekly wages during 20 weeks.

"For the loss of a fourth finger, commonly known as the little finger, 65% of the average weekly wages during 15 weeks.

"The loss of the second, or distal phalange, of the thumb shall be considered to be equal to the loss of one-half of such thumb; the loss of more than one-half of such thumb shall be considered to be equal to the loss of the whole thumb.

"The loss of the third, or distal phalange, of any finger, shall be considered to be equal to the loss of one-third of such finger.

"The loss of the middle, or second phalange, of any finger, shall be considered to be equal to the loss of two-thirds of such finger.

"The loss of more than the middle and distal phalanges of any finger shall be considered to be equal to the loss of the whole finger; provided, however, that in no case will the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

"For the loss of a metacarpal bone (bone of palm) for the corresponding thumb, finger or fingers above, add ten weeks to the number of weeks as above.

"For ankylosis (total stiffness of) or contractures (due to sears or injuries) which makes the fingers more than useless, the same number of weeks apply to such finger or fingers (not thumb) as given above.

"For the loss of a hand, 65% of the average weekly wages during 150 weeks.

"For the loss of an arm, 65% of the average weekly wages during 200 weeks.

"For the loss of one of the toes, other than the great toe, 65% of the average weekly wages during 10 weeks.

"For the loss of the great toe, 65% of the average weekly wages during 30 weeks.

"The loss of more than two-thirds of any toe shall be considered equal to the loss of the whole toe.

"The loss of less than two-thirds of any toe shall be considered to be equal to the loss of one-half toe. For the loss of a foot, 65% of the average weekly wages during 125 weeks.

"For the loss of a leg, 65% of the average weekly wages during 200 weeks, or the total and permanent loss of the sight of an eye, 65% of the average weekly wages during 100 weeks.

"Impairment or loss of occupational use of any of the foregoing members shall, in addition to compensation for the temporary total disability caused by such injury, entitle the employee to that portion of the compensation payable for the total loss thereof which the percentage of impairment or loss of use of such member bears to its total loss, but not

exceeding the amount of compensation payable for its total loss.

"In all other cases of permanent partial disability, including any disfigurement, which will impair the future usefulness or occupational opportunities of the injured employee, compensation shall be determined according to the percentage of disability, taking into account, among other things, any previous disability, the nature of the physical injury or disfigurement, the occupation of the injured employee and age at the time of injury; the compensation paid therefor shall be 65% of the average weekly earnings of the employee, but not less than $5.00 nor more than $12.00 multiplied by the percentage of disability caused by the injury, for such period as the board may determine, not exceeding 335 weeks nor a maximum sum of $4,000. Whenever the weekly payments under this paragraph would be less than $3.00 per week, the period may be shortened and the payments correspondingly increased to that amount. Where compensation, except as provided in Sections 4 and 5 of this Act, is paid under any other provision of this Act the period during which such other compensation is paid and the amount thereof shall be deducted respectively from the maximum period and maximum amount which may be paid under this paragraph."

§ 3. All laws or parts of laws in conflict herewith are hereby repealed.

H. B. 765. An Act to repeal and re-enact Section 4526b-5, Kentucky Statutes, Carroll's 1930 Edition, relating to high school pupils attending the high school that is most convenient to them and providing for the payment of tuition therefor.

To Committee on Rules.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That where an approved high school already exists that any high school pupil shall have the privilege of attending the school in the county which is most convenient or the most convenient school within the county wherein the pupil resides; and that the county in which he resides shall pay the tuition of said pupil at the same rate as fixed for other high school pupils in said county.

H. Res. 13. A resolution authorizing S. M. Green to sue the Commonwealth of Kentucky and the State Highway Commission of Kentucky, or either of them.

To Committee on Rules.

Said resolution reads as follows:

*Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

That S. M. Green of Franklin, Kentucky, be and he is hereby authorized, empowered and permitted to sue the Commonwealth of Kentucky and the State Highway Commission of Kentucky, or either of them, in the Simpson Circuit Court for such damages as he may have sustained, if any, by reason of his having driven or fallen in the said excavation or ditch in said road, caused by the negligence of the agents, servants or employees of the Commonwealth of Kentucky and the State Highway Commission, or either of them.

And in such suit he is permitted to show all the facts and circumstances as to whether or not, the employees, or any employee of the State Highway Commission were negligent with reference to said ditch or excavation and in failing to properly notify the public traveling on said road of such ditch or excavation; and if a jury shall decide that there was negligence on the part of any such employee or employees of the State Highway Department, and that as a direct and approximate result thereof, the said S. M. Green received his

injuries, then he may recover from the Commonwealth such sums as will fairly and reasonably compensate him for the damage sustained.

In the event any judgment is recovered by the said S. M. Green in his said suit, as damages, same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer.

The Commonwealth of Kentucky and the State Highway Commission, or either of them and the said S. M. Green, shall have a right to appeal as in any other civil case.

H. Res. 41. A resolution authorizing the treasurer of Kentucky to pay Leila L. Wilhoit for stenographic work performed for the State of Kentucky.

To Committee on Rules.

Said resolution reads as follows:

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:*

That there be and there is hereby appropriated for the use and benefit of Leila L. Wilhoit, out of the treasury of the Commonwealth of Kentucky, the sum of nine hundred and forty-eight and 65/100 dollars ($948.65), and the Auditor of Public Accounts is hereby authorized and directed to draw his warrant upon the treasury of this Commonwealth for said sum payable to Leila L. Wilhoit; and the Treasurer is authorized and directed to pay said warrant in the usual and customary way, said appropriation and payment to be made because said amount is justly due and owing to the said Leila L. Wilhoit for services rendered to the Commonwealth of Kentucky and because there is no provision of law by which this sum may be collected by direct action against the Commonwealth of Kentucky.

S. Res. 15. Resolution providing for Legislative Digest for members of General Assembly.

To Committee on Rules.

Said resolution reads as follows:

Resolution providing for the purchase of copies of the Legislative Digest for the members of the General Assembly and State and other public officials.

Whereas, it is a matter of importance and convenience that each Senator and Representative be advised as to the various and detailed steps of legislation, and

Whereas, this General Assembly for the past twelve sessions has approved and adopted as its official publication The Legislative Digest, a publication the purpose of which is to fully advise from day to day the officials and public of the Commonwealth as to matters affecting them in an intelligent and concise manner, therefore,

*Be it resolved by the Senate of Kentucky, the House of Representatives concurring therein:*

That the publishers of the Legislative Digest are hereby directed to furnish daily a copy to each member and the clerks of the General Assembly, and to the heads of each State department during the time of this session. That the publishers are allowed the sum of ten dollars for each subscription for the session and the Auditor of Public Accounts is directed to draw his warrant upon the Treasurer for said amount when such service has been concluded. The total number shall not exceed two hundred copies, which are to be paid for under this resolution.

S. B. 367. An Act to amend and re-enact Section 1222, Kentucky Statutes, 1930, Chapter 182, Section 95, Session Acts of 1893.

S. B. 320. An Act adopting as the law of the Commonwealth of Kentucky the issue of civil and criminal codes of practice of Kentucky compiled by Judge Richard Priest Dietzman and issued in the year 1932, and published by the Baldwin Law Publishing Company and known as Carroll's Civil and Criminal Kentucky Codes, providing further that this Act shall not be construed to render valid or invalid any section or part thereof embraced in said codes, or repeal any section or part thereof not included in said codes.

S. B. 2. An Act to amend and re-enact Section 159a-11 of the Kentucky Statutes compiled by the Honorable John D. Carroll.

S. B. 35. An Act relating to the fiscal administration of the Commonwealth of Kentucky; providing for interest-bearing negotiable State warrants, and the issual of interest-bearing negotiable treasury notes in anticipation of current revenue for the fiscal year, prescribing the duties of the State Treasurer, Auditor of Public Accounts, and the Budget Commission of the Commonwealth of Kentucky relative thereto.

S. B. 95. An Act to amend and re-enact Section 1482 of the Baldwin's 1931 Supplement to Carroll's Kentucky Statutes, and being Section 4 of Chapter 49 of the Acts of the General Assembly of the Commonwealth of Kentucky at its 1930 session.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 69. An Act to amend Section 2103, Subsection 2 of Carroll's Kentucky Statutes, so as to authorize judges of the city or police court to solemnize a marriage ceremony.

Senator McCormick moved that said bill be recommitted to the Committee on Rules.

The question being taken thereon, was decided in the affirmative.

Said bill was recommitted.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 340. An Act to amend Section 290a, Carroll's Kentucky Statutes, 1930 Edition, relating to employment of a teacher for the deaf-blind by adding certain words thereto.

Senator Moore moved that said bill be recommitted to the Committee on Rules, with leave to report at any time.

The question being taken thereon, was decided in the affirmative.

Said bill was recommitted with leave to report at any time.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. B. 344. An Act to authorize the sewer commission of any city of the first class to sell bonds under par.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the sewer commission of any city of the first class is hereby empowered to sell at any price not less than a price which represents a net interest yield of five and three-eighths per centum per annum, computed in accordance with standard tables of bond values, such an amount of bonds voted at the regular election in 1928 for projecting, constructing and establishing a system or systems of sewers, and which bear interest at the maximum rate authorized by said election if not less than four and one-half per centum per annum, as

may be necessary, with available bond proceeds then on hand, to provide money for the payment of contracts for sewer construction made since July 15, 1930, and prior to the passage of this Act; provided, however, that there may be reserved from such bond proceeds then on hand such amount as may be deemed necessary for other lawful disbursements of the sewer commission until the convening of the next regular session of the General Assembly.

§ 2. An emergency being declared to exist, for reasons set forth in the preambles hereof, and because the public peace, health, safety and credit will be impaired unless this Act shall take effect immediately, this Act shall take effect immediately from and after its passage and approval by the Governor as provided by law.

Ordered that said bill be read the third time.

Senator Gaines moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| H. M. Brock | Walter N. Flippin | J. S. W. Holloway |
| Edwin C. Dawson | Chas. G. Franklin | Robert Humphreys |
| Dr. T. J. Edge | Perry B. Gaines | Wm. Isaacs |
| Thos. C. Ferguson | Arch Hamilton | Silas Jacobs |

| | | |
|---|---|---|
| Alex E. Johnson | D. C. Naive | E. D. Stephenson |
| L. C. Littrell | Marion F. Pogue | Joe Stewart |
| Frank I. Lloyd | Dr. G. W. Ragan | F. M. White |
| Rev. C. D. McCaw | O. M. Rogers | W. W. Yates |
| C.T.McCormick,Sr. | J. M. Rose | Allie W. Young |
| Wm. Mehler | R. H. Royster | Gates F. Young |
| E. C. Moore | Dr. Lewis Ryans | —32 |

Resolved that the title thereof be as aforesaid.

Senator Gaines moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. B. 418. An Act creating the offense of alarming, disturbing, hindering, obstructing or intimidating by violence, force or threats any officer of the Commonwealth of Kentucky in the matter of his official action or in the discharge of his duty or attempting so to do, and providing punishment therefor.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That it shall be unlawful for any person or persons individually or collectively by violence, force or threats to alarm, disturb, hinder, obstruct or intimidate any officer of the Commonwealth of Kentucky in the matter of his official action or in the discharge of his duty or to attempt so to do. Any person or persons violating any provision of this Act shall be punished by confinement in the state penitentiary for not less than one (1) year nor more than twenty-one (21)

years, or by a fine of not less than one hundred dollars ($100), nor more than ten thousand dollars ($10,000), or both such confinement and fine.

Ordered that said bill be read the third time.

Senator Brock moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| W. W. Booles | Robert Humphreys | D. C. Naive |
| H. M. Brock | Wm. Isaacs | O. M. Rogers |
| Dr. T. J. Edge | Alex E. Johnson | R. H. Royster |
| Thos. C. Ferguson | L. C. Littrell | Dr. Lewis Ryans |
| Walter N. Flippin | Frank I. Lloyd | F. M. White |
| Perry B. Gaines | C.T.McCormick,Sr. | W. A. Yates |
| Arch Hamilton | E. C. Moore | Allie W. Young |
| J. S. W. Holloway | Ray B. Moss | Gates F. Young |

—24

Those who voted in the negative were:

| | | |
|---|---|---|
| Silas Jacobs | J. M. Rose | Fred C. VanHoose |
| Rev. C. D. McCaw | Joe Stewart | |

—5

Resolved that the title thereof be as aforesaid.

Senator Brock moved that the vote by which said bill

was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the House of the following title:

H. B. 112. An Act to amend Section 2103, Subsection 2, of Carroll's Kentucky Statutes, so as to authorize judges of the city or police court to solemnize a marriage ceremony.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That so much of Section 2103, Subsection 2, of Carroll's Kentucky Statutes, as relates to persons authorized to solemnize a marriage be and the same is hereby amended by adding after the words, "Judge of the County Court" the following words, to-wit:

Judges of the City or Police Court, so that so much of said Section 2103, Subsection 2, as relates to persons authorized to solemnize marriages which reads amended as follows, to-wit:

1. Ministers of the gospel or priests of any denomination in regular communication with any religious society.

2. Judges of the County Court, Judges of the City or Police Court, and such Justices of the Peace as the Governor of the State or the County Court may authorize.

3. Or, where either party belongs to a religious society having no officiating priest or minister, whose usage is to solemnize marriage at the usual place of worship, and by

consent given in the presence of the society, it may be so solemnized.

Ordered that said bill be read the third time.

Senator McCormick moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| W. W. Booles | Alex E. Johnson | O. M. Rogers |
| Dr. T. J. Edge | Frank I. Lloyd | R. H. Royster |
| Thos. C. Ferguson | Rev. C. D. McClaw | Dr. Lewis Ryans |
| Chas. G. Franklin | C.T.McCormick,Sr. | Sewell B. Williams |
| Perry B. Gaines | Wm. Mehler | W. A. Yates |
| Arch Hamilton | E. C. Moore | Allie W. Young |
| Robert Humphreys | Marion F. Pogue | Gates F. Young |
| Wm. Isaacs | Dr. G. W. Ragan | —23 |

Those who voted in the negative were:

| | | |
|---|---|---|
| H. M. Brock | L. C. Littrell | J. M. Rose |
| Edwin C. Dawson | Ray B. Moss | E. D. Stephenson |
| Walter N. Flippin | D. C. Naive | F. M. White |
| | | —9 |

Resolved that the title thereof be as aforesaid.

Senator McCormick moved that the vote by which said

bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. B. 461. An Act creating the Kentucky World's Fair Commission, 1933, defining its powers and duties, and making an appropriation therefor, for the purpose of participating in a Century of Progress, an International Exposition to be held at Chicago, Ill., beginning June 1, 1933, and ending November 1, 1933.

Senator Franklin proposed the following amendments:

Amendment 1. Amend Senate Bill 461, by striking therefrom the entire third paragraph thereof and substituting in lieu thereof the following, Sec. 3. The funds to carry out the provisions of this Act shall be such sums as may be appropriated therefor in the biennial appropriation Act.

Amendment 2. Amend Senate Bill 461, by striking the word "nine" from line 2, paragraph 1, of the printed bill and substituting in lieu thereof, the word "five."

The questions being taken on the foregoing amendments, were decided in the affirmative.

Said amendments were adopted.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. There is hereby created a commission to be known

as the Kentucky World's Fair Commission (1933), which shall consist of nine members, to be appointed by the Governor, who shall be the ex-officio chairman of said commission. The Governor shall have the power to fill any vacancy that may occur from any cause whatever. Said commission is hereby created for the purpose of leasing suitable space in the States' Building and/or Agricultural Buildings, at the Century of Progress Exposition to be held in the city of Chicago, Ill., beginning June 1, 1933, and ending November 1, 1933, and of assembling, installing and maintaining exhibits of the products and resources of this Commonwealth at said exposition, and of selecting locations and letting contracts for leasing of such space as may be necessary in which to house and exhibit such products and resources, and for such other purposes as it may deem necessary. Said commission shall have such other and additional powers as may be necessary to carry out the provisions of this Act, including the disposition of said products, resources and exhibits as it deems advisable at the close of said Exposition.

The Department of Agriculture, State Highway Commission, the Kentucky Progress Commission, the Department of Mines and other appropriate State Departments shall perform such duties in carrying out the provisions of this Act as the commission may request.

§ 2. No member of said commission shall receive any compensation, directly or indirectly, for his services, but shall be entitled to and allowed his actual necessary expenses incurred in the performance of his duties in connection with the functioning of said commission, said expenses to be paid in the manner hereinafter provided. The said Kentucky World's Fair Commission shall have the power to employ such persons as in its opinion are necessary to carry out the provisions of this Act, and upon such terms and salaries as it shall deem fair and reasonable.

§ 3. To carry out the provisions of this Act there is hereby appropriated from the State Treasury the sum of fifty

thousand ($50,000) dollars, or so much thereof as may be necessary to carry out the provisions and purposes of this Act to be paid out on warrants of the Auditor of the Commonwealth from time to time for such portions thereof and in favor of such persons as the said commission shall designate.

Ordered that said bill be read the third time.

Senator Franklin moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| H. M. Brock | Alex E. Johnson | Marion F. Pogue |
| Edwin C. Dawson | L. C. Littrell | Dr. G. W. Ragan |
| Dr. T. J. Edge | Frank I. Lloyd | O. M. Rogers |
| Thos. C. Ferguson | Rev. C. D. McCaw | J. M. Rose |
| Walter N. Flippin | C.T.McCormick,Sr. | R. H. Royster |
| Chas. G. Franklin | Wm. Mehler | Dr. Lewis Ryans |
| J. S. W. Holloway | E. C. Moore | W. A. Yates |
| Silas Jacobs | D. C. Naive | Gates F. Young |

—24

Resolved that the title thereof be as aforesaid.

Senator Franklin moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the House of the following title:

H. B. 452. An Act repealing and re-enacting Sections 4130, 4135, 4143, 4147 and 4148 of Carroll's Kentucky Statutes, 1930 Edition, which sections relate to revenue and taxation, and repealing all acts, parts of acts, and laws in conflict with this act.

Senator Stephenson proposed the following amendment:

Amend House Bill 452, in the Senate, by adding at the end of line 19 of Section 2 of the printed bill the following:

"Provided, that the income of the outgoing sheriff arising from commissions for collection of taxes, shall be treated as a part of the income of the sheriff for the preceding year.

The question being taken thereon, was decided in the affirmative.

Said amendment was adopted.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Section 4130 of Carroll's Kentucky Statutes, 1930 Edition, be and the same is hereby repealed and re-enacted, so that said section when thus repealed and re-enacted shall read as follows:

"The sheriff or collector shall, on or before the first day of June next succeeding his election, and on or before the said day annually thereafter, enter into bonds with surety for the

faithful performance of his duties as revenue collector. A quietus by the auditor of public accounts, and from the fiscal court of this county for the preceding year following the first one shall be produced by each sheriff or collector of the county court on or before that day, and no tax book shall be delivered to the sheriff or collector after the first year of his term who shall fail to exhibit such quietus on or before that date. He may execute bond at any time after he qualifies, up to and including the first day of June succeeding his election, and it shall be the duty of the judge of the county court to hold a court at any time the sheriff may request for that purpose.

The county judge shall judge of the sufficiency of the surety, and in no case shall sureties be taken who are not jointly worth, subject to execution after the payment of all their debts and liabilities, a sum equal to the aggregate amount of money which may probably be received by the sheriff or collector during the year succeeding the execution of the bond.

The Commonwealth, the county and taxing district shall have a lien from the date the sheriff begins to act upon the real estate of the sheriff therein secured, or afterward acquired by him, which shall not be discharged until the whole amount of money collected by the sheriff or collector, or for which he may be liable to them respectively, shall have been paid, and the same lien shall exist upon the real estate of a usurper of the office of sheriff or collector, of a de facto sheriff or collector, or any person who may act as sheriff or collector, provided, however, that if in any county the tax records are destroyed by fire, lost, stolen, or mutilated, so as to require a reassessment of the property in any county or recertification of the tax bills, that the sheriff in such counties shall have five months from the time he receives said recertified tax bills within which to make the settlements with the fiscal court and auditor as herein provided and to execute the bond referred to in this section, and to receive his quietus from the auditor of public accounts and from the fiscal court of his county for the preceding year.

§ 2. That Section 4135, Kentucky Statutes, Carroll's 1930 Edition, be and the same is hereby repealed and re-enacted, so that said section when thus repealed and re-enacted shall read as follows:

The outgoing sheriff, as soon as his successor has been qualified and inducted into office and his official bond approved, shall immediately vacate his office, deliver to his successor all books, papers, records and other property held by virtue of his office and shall make a full and complete settlement of his accounts as sheriff. Except that the outgoing sheriff upon the execution, as herein provided, a new revenue bond, shall keep in his possession all unpaid tax bills and shall collect and account for same as provided by law, and shall have until the first day of June after his term of office has expired to make his settlement with the auditor of public accounts and the fiscal court of his county and to receive his quietus, and immediately thereafter he shall deliver these records to his successor. On the failure of any outgoing sheriff for ten days to comply with the provisions of this section, he shall be deemed guilty of a misdemeanor and, on conviction, be fined in a sum not less than fifty dollars ($50) nor more than five hundred dollars ($500) and be liable on his bond for any default.

§ 3. That Section 4143 of Carroll's Kentucky Statutes, 1930 Edition, be and the same is hereby repealed and re-enacted, so that said section when thus repealed and re-enacted shall read as follows:

The sheriff or collector of revenue in each county of this Commonwealth shall on or before the 10th day of each month report under oath to the Auditor of Public Accounts the amount of all taxes he has collected for the preceding month, and shall, on or before the making of such report, pay into the State Treasury all taxes which he has collected for the State for said preceding month. Any sheriff or collecting officer who shall fail to report as herein required, shall be liable to indictment in the Franklin Circuit Court, and upon con-

viction shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500), for each offense, and it shall be the duty of the Auditor of Public Accounts to report to the grand jury of Franklin county at each term of said court any such sheriff or collector failing to report as herein required. Any sheriff or collector failing to pay over any taxes collected by him and due the State as hereinabove set out, shall be required by the Auditor of Public Accounts to pay a penalty of six per centum (6%), and interest at the rate of six per centum (6%) on such taxes, and the Auditor of Public Accounts, in his settlement with the sheriff or collector, shall charge him with the penalties accruing under the provisions of this Act.

§ 4. That Section 4147 of Carroll's Kentucky Statutes, 1930 Edition, be and the same is hereby repealed and reenacted shall read as follows:

The sheriff or collector of the state and county revenue of each county of this Commonwealth, shall, on or before the 10th day of each month, in each year, report under oath to the county court of his county the amount of State and county taxes he has collected during the month preceding, together with all fines, forfeitures or money, or any other account that shall have been received or collected by him for said preceding month, showing in said report the amount collected for and belonging to each particular fund, for which such revenue or money may be intended, and the disposition of such revenue or money collected by him. The sheriff or collecting officer shall be required by the fiscal court to pay a penalty of six per centum (6%) on all taxes or other moneys collected by him and unpaid by him to the county treasurer by the 10th day of each month following the month in which such collection was made. The reports herein referred to shall be filed and recorded in separate books furnished by the county court for that purpose, which shall be open for inspection in the office of the county clerk. Any sheriff or collector who shall fail to report as herein required shall be liable to indictment in the county of his residence, and fined

not less than one hundred dollars ($100) nor more than five hundred dollars ($500).

§ 5. That Section 4148, of Carroll's Kentucky Statutes, 1930 Edition, be and the same is hereby repealed and re-enacted so that said section when thus repealed and re-enacted shall read as follows:

All state, county and district taxes, except as otherwise specially provided, shall be due and payable on and after the first day of March after the assessment, and all taxpayers whose taxes are not paid on or before the last day of February after the same are due, shall be deemed delinquent, and such taxes shall bear interest at the rate of six per centum (6%) per annum from the last day of February after they are due until paid, and any person or persons failing to pay their taxes on or by the last day of February after they are due, shall pay a penalty of six per centum (6%) additional on the taxes due and unpaid. Providing any taxpayer who pays his or her or its state, county or district taxes on or before November 1, after same becomes due in any year, shall be entitled to 2% discount thereon, and the collector, in case of all such payments, will allow such reduction and give a receipt in full to the taxpayer. The sheriff or collector whose duty it is to receive or collect the taxes shall collect the interest and penalty and account for the same in the same way in which they are required to collect and account for the taxes.

§ 6. If any section of this Act shall be held to be invalid or unconstitutional, such fact shall not affect any other section of this Act, it being the intention of the General Assembly in enacting this Act to enact each section separately; and if any proviso or exception contained in any section of this Act shall be held invalid or unconstitutional, such fact shall not affect the remaining portion of such section, it being the intention of the General Assembly to enact each section of this Act and each proviso and each exception thereto separately.

§ 7. All Acts and laws in conflict herewith, to the extent of such conflict, are hereby repealed.

Ordered that said bill be read the third time.

Senator Ferguson moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| W. W. Booles | Alex E. Johnson | O. M. Rogers |
| H. M. Brock | L. C. Littrell | J. M. Rose |
| Edwin C. Dawson | Frank I. Lloyd | R. H. Royster |
| Dr. T. J. Edge | Rev. C. D. McCaw | Dr. Lewis Ryans |
| Thos. C. Ferguson | C.T.McCormick,Sr. | E. D. Stephenson |
| Walter N. Flippin | Wm. Mehler | F. M. White |
| Chas. G. Franklin | E. C. Moore | Sewell B. Williams |
| Perry B. Gaines | D. C. Naive | W. A. Yates |
| Arch Hamilton | Marion F. Pogue | Allie W. Young |
| Robert Humphreys | Dr. G. W. Ragan | Gates F. Young |
| Wm. Isaacs | | —31 |

Resolved that the title thereof be as aforesaid.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. Res. 38. Resolution creating the Kentucky Revenue Commission; fixing the duties thereof; and providing for the appointment of the members of said commission, and further

providing for the payment of expenses incurred by the said commission.

Said bill reads as follows:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That there is hereby created the Kentucky Revenue Commission, which shall be composed of five members to be appointed by the Governor of the Commonwealth, two from the present members of the House of Representatives of the General Assembly, and two from the present members of the Senate of the General Assembly, and one other person, who may or may not be a member of the General Assembly, but who is familiar with the revenue and taxation laws of the State, all of whom shall serve without compensation.

The duties of said commission shall be to investigate the taxation methods of this and other states; to hold public hearing in various sections of the State, if deemed necessary; to grant hearings to taxpayers as may be requested or thought advisable; to have the authority to examine the records of all state, county, city and town offices and officers for the purpose of securing information respecting the revenues and expenses of such taxing authorities; to require county, city and town assessors to supply information concerning the assessment of property and the levying of taxes in their respective localities, also rates, dates and such other information affecting revenues and taxation methods as may be deemed necessary by the commission; to prepare reports and submit proposed legislative measures as the members of the commission deem advisable for the betterment of the State's revenue and taxation laws, and submit said reports and proposed measures to the Governor.

Said commission shall meet within fifteen days after the adjournment of the present session of the General Assembly

and organize by the selection of one of its members as chairman and a secretary.

The necessary expenses of said commission, or its members, in the actual performance of their duties as herein provided for shall be paid by the Commonwealth on the filing of the statements of same with the Governor, who shall authorize their payment by the State Auditor out of the appropriation heretofore made by this General Assembly in "An Act authorizing, empowering and directing the Governor to cause and audit, study and survey all the departments, institutions, boards, commissions and agencies of the Commonwealth; empowering him to employ auditors, accountants, clerks, bookkeepers and all other persons necessary to make said audit, study and survey, defining the scope or character of same, and appropriating the sum of one hundred and fifty thousand dollars ($150,000) to be used by the Governor in carrying out the purposes of the Act."

Said commission shall make a written or printed report of its work, as well as proposed measures for the raising of additional revenues, or changing the methods and rates now in force and effect on various classes of property to the Governor of the Commonwealth as soon as practicable, but in all events before November 1, 1933, and the Governor shall decide as to the time such recommendations shall be transmitted to the General Assembly.

Ordered that said bill be read the third time.

Senator Gates F. Young moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| W. W. Booles | Alex E. Johnson | J. M. Rose |
| H. M. Brock | L. C. Littrell | R. H. Royster |
| Edwin C. Dawson | Frank I. Lloyd | E. D. Stephenson |
| Thos. C. Ferguson | C.T.McCormick,Sr. | Joe Stewart |
| Walter N. Flippin | Wm. Mehler | Fred C. VanHoose |
| Chas. G. Franklin | E. C. Moore | Sewell B. Williams |
| Perry B. Gaines | D. C. Naive | W. A. Yates |
| Arch Hamilton | Dr. G. W. Ragan | Allie W. Young |
| Robert Humphreys | O. M. Rogers | Gates F. Young |
| Wm. Isaacs | | —28 |

Resolved that the title thereof be as aforesaid.

Senator Gates F. Young moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. B. 448. An Act to amend and re-enact Section 1550-17, Kentucky Statutes, Carroll's Edition, 1930.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1550-17. Ballots and Ballot Boxes. That Section 1550-17 be and the same is hereby amended and re-enacted so that when said section is re-enacted and shall read as follows:

There shall be a separate ballot for each political party subject to this Act, at the primary election provided for herein. Such ballots shall be printed in substantially the same manner as now provided by law in case of regular elections, except that on the back thereof shall be printed the words "Official Primary Ballot," and at the head thereof shall be printed the words "Official Primary Ballot," together with proper party name and the party emblem. The party emblem in each case shall be the same as that used at the last preceding regular election, unless sixty days before the primary election the proper party authority certify a different emblem to the secretary of state, in which event he shall certify the new emblem to the county clerks as herein provided.

All the official ballots designed to be voted in the primary nominating elections shall be printed in black ink upon a good quality of white ballot paper. The arrangement of each ballot shall be exactly the same for each political party, and the size and the printing shall be the same for each political party. Duplicate impressions of the ballots for each political party voted for at every primary election shall be printed upon cheaper colored paper. These colored ballots shall be used solely as sample ballots for the information and convenience of voters, and they shall not be voted or counted.

The ballots shall be printed so as to give each elector a clear opportunity to designate his choice of candidates for nomination by making with the stencil a cross in the square after the name of each candidate for whom he wishes to vote for nomination; and on the ballot may be printed such words as will aid the elector to do this, such as, "Vote for one," "Vote for two," and the like, to inform the elector of the number of candidates for whom he is entitled to vote for each office, and at the bottom or outer end of each ballot shall be prepared a secondary stub, separated from the body of the ballot by a perforated line. Said secondary stub shall be in respects as the like stub on the ballot used at the general elections, and shall be used in like manner for the same purpose.

Ordered that said bill be read the third time.

Senator Brock moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Wm. Isaacs | Dr. G. W. Ragan |
| W. W. Booles | Silas Jacobs | O. M. Rogers |
| H. M. Brock | L. C. Littrell | J. M. Rose |
| Edwin C. Dawson | Frank I. Lloyd | R. H. Royster |
| Dr. T. J. Edge | Rev. C. D. McCaw | E. D. Stephenson |
| Thos. C. Ferguson | C.T.McCormick,Sr. | Joe Stewart |
| Walter N. Flippin | Wm. Mehler | Fred C. VanHoose |
| Chas. G. Franklin | E. C. Moore | F. M. White |
| Perry B. Gaines | Ray B. Moss | Sewell B. Williams |
| J. S. W. Holloway | D. C. Naive | Allie W. Young |
| Robert Humphreys | Marion F. Pogue | Gates F. Young |

—32

Resolved that the title thereof be as aforesaid.

Senator Brock moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of

the Day a bill which originated in the Senate of the following title:

S. B. 453. An Act to amend and re-enact Section 2 of Chapter 144 of the Acts of the General Assembly of 1930, relating to the duties of the Secretary of State.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Section 2 of Chapter 144 of the Acts of the General Assembly of 1930 be and the same hereby is amended and re-enacted so that the same shall read as follows: It shall be the duty of the Secretary of State to record in a book kept in his office for that purpose all such deeds, and in another book similarly kept, all leases, and to file, safely keep and have accessible the originals of all such records, judgments, deeds, maps, and abstracts of title, as well as the book in which such deeds are recorded. It shall be the duty of the Secretary of State to index and cross index such original papers and record books, and to index the matters therein concerned or recorded according to the county wherein the property is located and also according to the use or department of the state government using such property. Such records and indexes shall be public records, but shall not be moved from the office of the Secretary of State, and whenever any of such records shall be necessary as evidence, a true copy thereof, certified to by the Secretary of State, shall be used in lieu of the original record or paper.

Ordered that said bill be read the third time.

Senator Moore moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Silas Jacobs | Marion F. Pogue |
| W. W. Booles | Alex H. Johnson | Dr. G. W. Ragan |
| H. M. Brock | L. C. Littrell | O. M. Rogers |
| Edwin C. Dawson | Frank I. Lloyd | J. M. Rose |
| Dr. T. J. Edge | C.T.McCormick,Sr. | R. H. Royster |
| Chas. G. Franklin | Wm. Mehler | E. D. Stephenson |
| Perry B. Gaines | E. C. Moore | F. M. White |
| J. S. W. Holloway | Ray B. Moss | Allie W. Young |
| Robert Humphreys | D. C. Naive | Gates F. Young |
| Wm. Isaacs | | —28 |

Resolved that the title thereof be as aforesaid.

Senator Moore moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. B. 424. An Act entitled An Act to authorize receivers and liquidating agents of closed and insolvent banks to borrow money and to secure same pledge the assets of such bank or banks for the purpose of making distribution to depositors or to reorganize or reopen such bank or banks.

Senator Gates F. Young moved to withdraw substitute to Senate Bill No. 424.

The question being taken thereon was decided in the affirmative.

Said substitute was withdrawn.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Whereas, the Congress of the United States has enacted a law approved January 22, 1932, entitled "An Act to provide emergency financing facilities for financial institutions, to aid in financing agriculture, commerce and industry, and for other purposes"; and

Whereas, a body corporate has been organized under the name of "Reconstruction Finance Corporation," and a question has been raised as to the statutory authority and corporate powers of financial institutions organized under the laws of the State of Kentucky, to avail themselves of the credit facilities afforded by such "Reconstruction Finance Corporation."

§ 1. Banks, combined banks and trust companies, savings banks and trust companies, building and loan associations, insurance companies including life, fire, guaranty, surety, real estate title or indemnity companies, and whether "mutual" or "stock" companies, real estate mortgage loan companies, credit unions, agricultural credit corporations and livestock credit corporations, organized and existing under the laws of Kentucky shall, when authorized by a resolution adopted by its board of directors or by the certificate of the receiver, assignee or liquidating or reorganization committee of any such institution when in the hands of any State department or acting authority, by such representative, have the power to make and execute any required application for a loan, furnish financial statements, submit to examination, and to pledge, sell, assign or transfer in due form of law any as-

sets owned or held by such corporation and to receive therefor or thereon loans in aid of any such institution, corporation or association, whether it be a going concern or closed or in process of liquidation, to aid in its carrying on or in its reorganization or liquidation, and such companies and any receiver or liquidating agent, reorganization committee or acting authority thereof is hereby authorized to contract for such loans and to pledge any of the assets of such financial institution for the purpose of securing such loan.

§ 2. If the authorized limit of indebtedness as prescribed in the articles of incorporation of any such financial institution would be exceeded by such loan or any other loan, and there be an emergency not permitting of an ordinary amendment to such articles of incorporation within the time now prescribed by law, then and in such case two-thirds of the board of directors of such corporation may adopt an amendment to the charter in such respect, provided notice thereof be mailed to the last known address of each stockholder of record not less than five days before any loan in excess of the authorized limit of indebtedness is made; and provided further, that if the holders of 25% in amount of the stock of such corporation shall within said period request a meeting of the stockholders to reconsider such amendment; then a meeting of the stockholders shall be called by sending a notice by mail to the last known address of the stockholders of record to convene at a time and place specified in such notice and not less than five days nor more than twenty days from the date of the mailing of such notice, and such proposed amendment of charter, shall be determined at such meeting as is now provided by law.

§ 3. All laws or parts of laws in conflict herewith are hereby repealed.

§ 4. Should any court declare any section, clause or words of this Act to be unconstitutional, then such decision shall effect only the section, clause or words so declared to be unconstitutional, and shall not affect any other section or

clause of this Act, it being hereby declared to be the purpose of the Legislative Branch of this State to enact this law and each section and clause thereof independently.

§ 5. Because of the stress now existing in business generally, and for the purpose of affording to the financial corporations organized under the laws of this State, the benefits of the Act of Congress creating the Reconstruction Finance Corporation, an emergency is hereby declared to exist, and this Act shall become effective upon its passage and approval.

Ordered that said bill be read the third time.

Senator Gates F. Young moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Alex E. Johnson | Dr. G. W. Ragan |
| W. W. Booles | L. C. Littrell | O. M. Rogers |
| H. M. Brock | Frank I. Lloyd | J. M. Rose |
| Edwin C. Dawson | C.T.McCormick,Sr. | R. H. Royster |
| Thos. C. Ferguson | Wm. Mehler | Dr. Lewis Ryans |
| Walter N. Flippin | E. C. Moore | E. D. Stephenson |
| Perry B. Gaines | Ray B. Moss | Joe Stewart |
| J. S. W. Holloway | D. C. Naive | F. M. White |
| Robert Humphreys | Marion F. Pogue | Gates F. Young |
| Silas Jacobs | | —28 |

Resolved that the title thereof be as aforesaid.

Senator Gates F. Young moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. B. 416. An Act to give authority to the Board of Charities and Corrections or its successor to employ chiropractors in the charitable and penal institutions, to fix salaries and prescribe duties for same.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Board of Charities and Corrections or its successor be and it is hereby authorized to employ regularly licensed and registered chiropractors to treat and care for patients in the charitable and penal institutions of this State; and any and all chiropractors so employed in any of the State charitable and penal institutions shall receive a salary equal to doctors of other schools of healing who are employed in such institutions.

§ 2. The board may employ or authorize the employment and prescribe the duties of any chiropractor or chiropractors in any of the institutions under its control.

§ 3. All acts or parts of acts in conflict with this act are hereby repealed.

Ordered that said bill be read the third time.

Senator Hamilton moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| W. W. Booles | Wm. Isaacs | O. M. Rogers |
| H. M. Brock | Alex E. Johnson | R. H. Royster |
| Edwin C. Dawson | L. C. Littrell | Fred C. VanHoose |
| Thos. C. Ferguson | C.T.McCormick,Sr. | F. M. White |
| Chas. G. Franklin | Wm. Mehler | W. A. Yates |
| Perry B. Gaines | E. C. Moore | Allie W. Young |
| Arch Hamilton | Ray B. Moss | Gates F. Young |
| J. S. W. Holloway | D. C. Naive | —23 |

Those who voted in the negative were:

| | | |
|---|---|---|
| Dr. T. J. Edge | Frank I. Lloyd | J. M. Rose |
| Robert Humphreys | Marion F. Pogue | E. D. Stephenson |
| Silas Jacobs | Dr. G. W. Ragan | —8 |

Resolved that the title thereof be as aforesaid.

Senator Hamilton moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of

the Day a bill which originated in the Senate of the following title:

S. B. 459. An Act to repeal Sections 2007k-1, to and including Section 2007k-10, Carroll's Kentucky Statutes, 1930 Edition, relating to the Kentucky Geological Survey, and enacting in lieu thereof a new Act creating the Bureau of Mineral and Topographical Survey; defining its rights, powers and duties; transferring the property of the Kentucky Geological Survey to said Bureau, providing for the removal of said property; and repealing all laws or parts of laws in conflict herewith.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Sections 2007k-1, 2007k-2, 2007k-3, 2007k-4, 2007k-5, 2007k-6, 2007k-7, 2007k-8, 2007k-9, 2007k-10, Carroll's Kentucky Statutes, 1930 Edition, relating to the Kentucky Geological Survey be and the same are hereby repealed.

§ 2. That the Bureau of Mineral and Topographical Survey of Kentucky is hereby created and established with a single executive officer, who shall be designated as the Director and State Geologist; that the offices of said Bureau shall be at the University of Kentucky, Lexington, Kentucky; that the geological collections, records, maps, reports and accumulated property of the former Kentucky Geological Surveys and the collections of the State Museum shall be maintained at the offices set aside for the Bureau at the University of Kentucky, in Lexington, Kentucky.

§ 3. The Director and State Geologist shall be the Professor of Geology at the University of Kentucky and shall receive no salary or other compensation for the services he may render in carrying out the provisions of this Act, except he shall be paid fifteen dollars ($15.00) per day during July

and August of each year. He and his assistants shall be paid their necessary traveling expenses when on official business for the Bureau of Mineral and Topographical Survey.

That while holding such position, the said Director shall not act as agent nor geologist for any person, corporation or association engaged in the business of developing the mineral resources of this State, nor shall he be financially interested in such business, nor shall anyone connected with the Bureau so act or be interested.

§ 4. The Director shall supervise, outline and edit the work of his assistants and undertake such geological field work as his time will permit and perform such other duties as may properly pertain to his position. He shall have the supervision of the work of the geological survey.

He shall make a report biennially to the Governor on January 1st, at the convening of the General Assembly of the Commonwealth of Kentucky, showing the activities accomplished by the Bureau of Mineral and Topographical Survey.

Under the direction and control of the Director the corps of the Survey shall proceed to make careful geological, mineralogical, chemical, physical soil, and economic surveys of the State; enter upon record an accurate statement of the extent of water power and water courses, to locate coal, oil, metalliferous deposits, clays, ores, building stones, etc., to report characteristics and composition of soils and minerals; to collect, analyze, classify and label specimen of rocks, fossils, ores, coals, oils, gases, minerals, soils and other natural resources of the State; to cause specimen of the above to be correctly labeled and preserved in the museum of the University of Kentucky, at Lexington, Kentucky.

The Director shall be the curator of the mineralogical and other collections of the Bureau of Mineral and Topographical Survey, in the custody of the University of Ken-

tucky. As such curator of said museum, he shall arrange for the proper presentation and display of such mineralogical collections to the general public.

§ 5. The Director is authorized to employ competent assistants to carry out the purposes of this Act and such stenographic and clerical assistance as is needed.

All traveling and field expenses of the Director and his assistants, and all salaries and other expenses of said Bureau shall be itemized each month and shall be approved by the Board of Trustees of the University of Kentucky, in writing, before the Auditor of Public Accounts shall be authorized to draw a warrant or warants in payment thereof.

§ 6. The Director of the Bureau of Mineral and Topographical Survey may enter into cooperative arrangements for geological, topographical, soil and such other surveys as are properly within the scope of the Bureau herein created, with the State Experiment Station, United States Geological Survey, the United States Department of Agriculture, and other organizations of Governmental Departments, provided that in each case agreed upon the organization or department shall furnish an amount of money equal to that allotted for such work by this Bureau; and provided further that such cooperative agreements shall be made and carried out so that in all things they will prove advantageous to the State of Kentucky. No cooperative agreement shall be made or entered into until approved by the Governor.

In the event it should at any time prove that such cooperative work is not being conducted to the best advantage to the State of Kentucky, the Director is hereby authorized to withdraw from such cooperation when so advised by the Governor.

§ 7. It shall be the duty of the Commissioner of Public Printing to supply the Bureau herein created all necessary stationery, accessory printing, blank forms, maps, etc., in the

same manner as State offices are supplied, upon the signed requisition of the Director.

The geological and other reports of the Bureau shall be reviewed, edited and approved for printing by the Director and paid for out of the funds of the Bureau. All printing caused to be done by the Bureau shall be paid for out of such funds as may be appropriated for the use of the Bureau. All monies received for such maps and reports, together with any other monies earned or received by said Bureau shall be paid into the State Treasury and credited to the general funds of the Bureau. Such bulletins, reports and maps prepared by said Bureau shall be sold at a nominal charge of the approximate cost thereof to the State, plus postage, the price thereof to be determined by the Director, provided single copies shall be furnished to State executive and administrative officers when called for, free of cost.

§ 8. That for the purpose of carrying into effect this Act there is hereby appropriated such a sum annually as may be set apart in any budget law enacted or hereafter enacted by the General Assembly of the Commonwealth of Kentucky and approved by the Governor.

All funds heretofore appropriated or on hand to the credit of the former Kentucky Geological Surveys, unexpended, shall be and are hereby transferred to the Bureau of Mineral and Topographical Survey. The State Treasurer is directed to make such transfer upon the enactment of this Act by the General Assembly of the Commonwealth of Kentucky and its approval by the Governor.

§ 9. That all maps, reports and property of every nature and kind now in possession of the former Geological Surveys at Frankfort, Kentucky, are hereby transferred and assigned to the Bureau of Mineral and Topographical Survey at the University of Kentucky at Lexington, Kentucky, and said Bureau is hereby directed to move and transfer such property to the University of Kentucky at Lexington, Kentucky,

as soon as this Act is approved by the Governor. The Commonwealth of Kentucky shall pay from its general fund the necessary expense for such transfer upon proper bills approved by the Board of Trustees of the University of Kentucky being presented to the Auditor of Public Accounts.

§ 10. It is the intention of the General Assembly of the Commonwealth of Kentucky to create a new Department or Bureau hereby, to be known as the Bureau of Mineral and Topographical Survey and to transfer to said Bureau all funds, property, rights, duties, and powers of the former Kentucky Geological Surveys and to abolish the Kentucky Geological Survey.

§ 11. Whereas, it is to the best interests of the Commonwealth of Kentucky that the former Kentucky Geological Surveys be abolished and the Bureau of Mineral and Topographical Surveys be created and become operative at once and by so doing a large sum of money will be saved, an emergency is declared to exist and this Act shall become a law and be effective upon its passage by the General Assembly of the Commonwealth of Kentucky and approval by the Governor.

§ 12. All laws or parts of laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

Senator Franklin moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Wm. Isaacs | D. C. Naive |
| W. W. Booles | Silas Jacobs | Marion F. Pogue |
| H. M. Brock | Alex E. Johnson | Dr. G. W. Ragan |
| Edwin C. Dawson | L. C. Littrell | O. M. Rogers |
| Thos. C. Ferguson | Frank I. Lloyd | Joe Stewart |
| Walter N. Flippin | C.T.McCormick,Sr. | Sewell B. Williams |
| Chas. G. Franklin | Wm. Mehler | Allie W. Young |
| Perry B. Gaines | E. C. Moore | Gates F. Young |
| Robert Humphreys | Ray B. Moss | —26 |

Resolved that the title thereof be as aforesaid.

Senator Franklin moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. B. 245. An Act to create and establish the Banking and Securities Department of Kentucky; to provide for the appointment of officers and employees thereof; to designate the chief officer thereof as the Banking and Securities Commissioner; to provide for the rights, duties and privileges of such officers and employees, to fix their salaries, and to provide for the examination of all financial institutions organized and doing business under the laws of this Commonwealth; to prevent fraud, deceit, or imposition in the sale or disposition of contracts, stocks, bonds, or written evidence of debut, certificates showing present or future interest in any property or business enterprise or venture, or other

securities sold or offered for sale within the Commonwealth of Kentucky by any person, persons, firms, partnership, company, association, trust or corporation, foreign or domestic; authorizing the inspection of any person, persons, firms, partnerships, companies, associations, trusts or corporations engaged in the business or any part thereof described in this Act as may be necessary to prevent, fraud, deceit, or imposition in the sale or offering for sale within this Commonwealth of any contract, stocks, bonds, written evidence of debt, or of certificates showing present or future interest in any property, business enterprise or venture, or other securities mentioned in this Act; providing penalties for a violation of this Act; and repealing certain statutes and all laws in conflict herewith.

Senator Franklin proposed the following amendments:

Amendment 1. Amend Senate Bill No. 245, as follows:

In paragraph 34, page 39, line 7, after the words "every dealer," add the words "subject to the provisions of this Act."

In paragraph 34, page 40, line 20, after the word "every," add the word "such," this line 20 then reading, "every such dealer shall file with his application, etc."

In paragraph 34, page 40, line 24, after the word "every," add the word "such," this line 24 then reading, "every such dealer shall also file with his application, etc."

The question being taken thereon, was decided in the affirmative.

Said amendment was adopted.

Amendment 2. Amend Senate Bill 245 by striking from the printed bill line 3, Section 2, page 3, the words "during the month of June, 1912," and substituting in lieu thereof, the words "immediately after the effective date of this Act."

The question being taken thereon, was decided in the affirmative.

Said amendment was adopted.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Banking Division.

§ 1. That there is hereby established a department to be designated as the Banking and Securities Department of Kentucky, which shall be charged with the enforcement of all laws heretofore passed, or which may hereafter be passed, relating to banks, trust companies, savings banks, combined banks, real estate mortgage companies engaged in the business of making mortgage loans on real estate, and the selling and offering for sale to the public the evidences of such loans, whether notes or bonds or its own obligation secured by such notes or bonds and combined banks and trust companies organized in doing business under the laws of the Commonwealth of Kentucky. Unless otherwise stated, the words "bank" or "banks" herein used shall include all banks, trust companies, savings banks, combined banks, real estate mortgage companies engaged in the business of making mortgage loans on real estate, and the selling and offering for sale to the public the evidences of such loans whether notes or bonds or its own obligations secured by such notes or bonds and combined banks and trust companies; and shall further be charged with the enforcement of all laws heretofore passed or which may hereafter be passed relating to the Kentucky Securities Department which are contained in Sections 883e-1 to 883e-36, Carroll's Kentucky Statutes, 1930 Edition, and all the duties and powers, set forth in the above named sections of the statute, are hereby imposed upon said department, as well as the duties herein.

§ 2. The chief officer of this department shall be designated as the "Banking and Securities Commissioner" of the Commonwealth of Kentucky. The Governor of Kentucky shall appoint during the month of June, 1912, and every four years thereafter a banking and securities commissioner under this Act, whose term of office shall begin the first day of July succeeding his appointment, and he shall hold office for the term of four years and until his successor is appointed and qualified. The banking and securities commissioner shall perform the duties hereinafter described. He may adopt such regulations and forms as may be necessary and proper under this Act. He shall keep his office, which shall be provided and furnished by the Commonwealth, at the seat of government, and shall receive for his services the sum of three thousand and six hundred dollars ($3,600.00) per annum, payable monthly out of the State Treasury. The banking and securities commissioner and his deputies shall be allowed their necessary traveling and other expenses of conducting the office, payable on properly itemized and verified accounts filed with and approved by the Auditor of the State of Kentucky.

§ 3. The banking and securities commissioner may employ competent clerks and stenographers and fix their compensation to be payable monthly out of the State Treaury, in the same manner as other officers of this department are paid, and as is hereafter provided by Section 51 hereof.

§ 4. All reports now required to be made by banks to the banking department as it now exists shall be made to the banking and securities commissioner, and the powers and duties now imposed by law upon the banking department or the banking commissioner with reference to all banks shall terminate, and said duties are hereby imposed upon the banking and securities commissioner and his department, as provided under this Act.

§ 5. The Governor of the Commonwealth shall appoint two deputy banking and securities commissioners, whose

terms of office shall be for four years. Said deputies shall be authorized to perform any and all duties imposed upon the banking and securities commissioner under his direction, and shall act as commissioner in his, the banking and securities commissioner's, absence, or his inability to act. The appointment of such deputies shall be at the time as that of the banking and securities commissioner, except in case of a vacancy, when such shall be filled for the unexpired four year term by the Governor. One of said deputy banking and securities commissioners shall have charge of the security division of the department created herein. The deputy banking and securities commissioners shall each be paid an annual salary of three thousand dollars ($3,000.00) in equal monthly installments out of funds in the treasury to the credit of the banking and securities department, and shall also be allowed necessary traveling and hotel expenses, when claim for such be made as required by law and approved by the banking and securities commissioner.

§ 6. The Governor of the Commonwealth shall appoint at least eight suitable and competent persons as State bank examiners for a period of four years from the date of appointment. The appointments to fill vacancies shall be made by the Governor and for the unexpired term only. Such appointments as made by the Governor shall be made with and by the consent of the banking and securities commissioner. Each State bank examiner shall receive a salary of two thousand, four hundred dollars ($2,400.00), payable out of the treasury from the funds placed to the credit of the banking and securities department in monthly installments, and such examiners shall be paid their necessary traveling and hotel expenses on properly itemized and verified accounts rendered to and approved by the banking and securities commissioner and on presentation to the auditor of public accounts; the bank examiners are authorized and empowered to examine building and loan associations and any and all institutions coming under the supervision of the banking branch of the banking and securities department, and the building and loan clerk and examiners are authorized and

empowered to examine banks and all other institutions coming under the supervision of this department.

§ 7. No banking and securities commissioner, deputy commissioner, or State bank examiner, shall be or become indebted directly or indirectly either as borrower, endorser, surety, or guarantor, to any bank under his supervision or subject to his examination; nor shall he be a director, officer, or employee in any such bank, but no person shall be appointed to examine the affairs of any bank or trust company in any county in which he holds stock in either a State or national bank; if any officer becomes so indebted to or so interested in any such bank or shall engage or become interested in the sale of securities as a business or in the negotiation of loans for others, his office shall ipso facto become vacant. The cashier or president of any bank to which any of said officers shall become indebted shall make immediate report thereof to the Governor, who shall remove the officer so offending. Every banking and securities commissioner, deputy commissioner, and State banking examiner, shall be a resident and citizen of the Commonwealth of Kentucky, shall be a practical bookkeeper and accountant and shall have had not less than four years actual experience as officer or clerk in a banking or trust company and shall take the oath required of officers by the Constitution and the laws of this Commonwealth for the faithful performance of his duties. They shall severally execute bond with good surety, to be approved by the auditor, for the faithful performance of their duties.

The bond of the banking and securities commissioner shall be in the penal sum of

The bonds of the deputy banking and securities commissioners shall be in the penal sum of

The bond of each bank examiner shall be in the penal sum of

All bonds so required to be executed shall be filed as a

part of the public records in the office of the secretary of State. The cost of all bonds required to be given under this section shall be borne and paid by the State in the same manner as other expenses of the department.

§ 8. Every bank organized and doing business under the laws of this State shall be subject to the inspection of the banking and securities commissioner. Such commissioner shall personally or by the deputy banking and securities commissioner or a State bank examiner visit each bank and examine the cash, bills, collateral, securities, other assets, books of accounts, and all other papers and books of such bank. On such examination, inquiry shall be made as to the condition and resources of the corporation, the mode of conducting and managing its affairs, the actions of its directors, the investment and disposition of its funds, the safety and prudence of its management, the security afforded to those by whom its engagements are held, and whether the requirements of its charter and of the laws of this State have been complied with in the administration of its affairs, and as to such other matters as the commissioner may deem necessary. Such examination shall be made of every bank at least once every year, but not to exceed twice in any one year, unless it shall appear from examination or from the report or reports of a bank that such bank has failed to comply with all the laws relating to banks, or a regulation of the banking and securities department of Kentucky.

The banking and securities commissioner, deputy banking and securities commissioner, and every State bank examiner shall have the power to administer an oath to any person whose testimony may be required in the examination of any bank; and to compel the appearance of any such person for the purpose of such examination, which shall be made in the presence of one or more of the officers of the corporation being examined. No notice of the intended examination shall be given to the bank to be examined until the examining officer is prepared to proceed immediately with the examination. No officer or employee of the banking

and securities department nor the examiner conducting any examination shall impart any information obtained by him during such examination, except so far as may be necessary in the performance of his official duty as provided by law. Provided, that any bank or trust company or combined bank and trust company which shall become a member of a federal reserve bank created and organized under the Act of Congress known as the Federal Reserve Act, shall be subject to the examination required under the term of the said Federal Reserve Act, and the banking and securities commissioner may, in his discretion, accept examinations made by the federal reserve authorities in lieu of examinations made under the laws of this Commonwealth; and the banking commissioner is further authorized and directed to furnish to the federal reserve agent of the district in which such member bank may be situated, copies of reports and examinations made of such member bank.

§ 9. For the report of a bank, trust company, or combined bank and trust company, a filing fee of one dollar ($1.00) shall be paid by such institution to the banking and securities commissioner.

For each examination as is now or may hereafter be provided for by law, the institution examined shall pay to the banking and securities commissioner the following fees, to-wit:

On each bank, trust company or combined bank and trust company having assets of not more than $300,000 a flat fee of $25; institutions having assets of $300,000 and not more than $600,000 a flat fee of $30; on each institution having assets of $600,000 and not more than $1,000,000 a flat fee of $40; on each institution having assets of $1,000,000 and not more than $2,000,000 a flat fee of $60; on each of said institutions having assets of $2,000,000 and not more than $4,000,000 a flat fee of $100; and on each of said institutions having assets of $4,000,000 or more a flat fee of $200.

§ 10. In addition to the flat fees as fixed in the foregoing

schedule, each of said institutions shall also pay for each examination a charge of three cents (3c) on each $1,000.00 of assets or fractional part of $1,000.00 of assets, excluding bonds, mortgages, and purchase lien notes deposited as security for bonds issued, in the hands of trustees, and all assets held by any institution in a fiduciary capacity.

All moneys collected by the banking and securities commissioner for such examinations, or otherwise, shall be paid as collected into the State Treasury, and then credited to an account of the banking and securities department.

§ 11. Every bank, trust company, combined bank and trust company, and any other institution coming within the purview of the banking and securities department laws, whenever required by the banking and securities commissioner, but not to exceed five times in any year, unless for cause the commissioner deem reports necessary to gain complete information, shall make a report in writing to him, verified by the oath of its president or vice-president and its secretary or cashier, or two principal officers. Such reports shall show the actual condition of the bank making the report at the close of business on any date designated by the commissioner and shall specify the following:

(1) The amount of its capital stock and the number of shares into which it is divided.

(2) The names of the directors, and the number of shares of stock held by them.

(3) The total amount of capital actually paid in, and the total amount of surplus and other reserve funds, if any.

(4) The total amount due (a) depositors, (b) all other liabilities.

(5) The total amount and character of (a) overdrafts secured, (b) overdrafts not secured, and (c) all other assets.

(6) The amount at which the lot and building occupied by the bank for the transaction of its business stands debited on its books, together with the market value of all other real estate held, and whether acquired in settlement of loans or otherwise; the amount at which it stands debited on the books, and where situated.

(7) The amount loaned on real estate.

(8) The indebtedness or liability (a) of each officer, and (b) of each director to such bank.

(9) The amount invested in (a) bonds, and (b) stocks.

(10) The amount loaned on (a) stocks and bonds, (b) on other securities, (c) commercial paper and (d) other notes and bills.

(11) The actual amount of money on hand and on deposit in other banks, with the name of such banks where deposited.

(12) Any other property held, or any amount of money loaned, deposited, invested or placed, not otherwise herein enumerated, and the place where situated and the value of such property, and the amount so loaned, deposited, or placed, and any other information he may require relative to the conduct and affairs of such bank.

(13) Each and every officer of any bank, trust company, or combined bank and trust company, or other institutions required by law to make reports hereunder to the banking and securities commissioner, who shall swear and make oath to any such statement knowing same to be false in any part thereof, shall be guilty of false swearing, and upon conviction shall be confined in the penitentiary for not less than one nor more than five years.

§ 12. Every official report concerning a bank made by

the commissioner and every report duly verified of an examination made, shall be prima facie evidence of the facts therein stated for all purposes in any action or proceedings, wherein such bank is a party; provided that such reports shall not be made public except when required in proper legal proceedings.

§ 13. Every bank shall within ten days after call made upon said institution by the State banking and securities commissioner publish a condensed statement of its financial condition, at the close of business on the date named in said call by said banking and securities commissioner, which call may be made by him at any time he desires, and he shall make at least two calls in each year. Said condensed statement made on a form to be furnished by the banking and securities commissioner, shall be published in some newspaper of general circulation, published in the city or town where its principal place of business is located, and, if no paper is published in such town, then in some newspaper of general circulation in the county where its principal place of business is located. Such published statement shall show the total amount of loans, the total amount of overdrafts, the total amount invested in bonds and other securities, the total amount due from banks, the total amount of checks and other cash items, the total amount of cash on hand, capital paid in, surplus fund; undivided profits, less expense and taxes paid; due to other banks; individual deposits subject to check; demand certificates of deposit; time deposits; certified checks, cashier's checks outstanding; and such other items as will show the actual financial condition of the bank making the report, and a copy certified to by the publisher shall be sent to the banking and securities commissioner as a part of its next succeeding report.

§ 14. If the deputy banking and securities commissioner or any State bank examiner shall have knowledge of the insolvency or unsafe condition of any bank subject to an examination under this Act, or that it is unsafe, or that it is inexpedient to permit such bank to continue business, and

shall neglect to forthwith report such fact in writing over his signature to the banking and securities commissioner, or shall disclose contrary to the provisions of this Act information obtained by him by virtue of his office, or shall violate any of the provisions of this Act, or fail to perform any duty herein imposed upon him, he shall forfeit his office and shall be fined for each offense not less than one hundred dollars ($100) nor more than two thousand dollars ($2,000).

If the banking and securities commissioner shall have knowledge of the insolvency or unsafe condition of any bank subject to examination or that it is unsafe or that it is inexpedient to permit such bank to continue business and shall wilfully fail to take action as provided in this Act, or shall disclose contrary to the provisions of this Act any information obtained by him by virtue of his office, or shall violate any of the provisions of this Act, or shall fail to perform any of the duties hereby imposed upon him, he shall forfeit his office, and shall be fined for each offense not less than five hundred dollars ($500) nor more than five thousand dollars ($5,000).

If any bank shall knowingly fail to make a report required by law or the banking and securities commissioner within the time designated for the making thereof, or to include therein any matter required by law or by the banking and securities commissioner, or fail to publish any report within thirty days after the time when it should have been published, or to pay when due the fees for filing reports, or for an examination of the bank, it shall be subject to a penalty of twenty-five dollars ($25) for each day which it shall be delinquent for the periods respectively mentioned, the aggregate penalty, however, for such offense not to exceed two hundred and fifty dollars ($250).

Every person who, or bank which wilfully makes or transmits a false report or refuses to submit its books, papers, and assets for examination, or any officer of such bank who refuses to be examined, under oath touching the concerns of

such bank, severally shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500).

Whenever any such officer, person or bank becomes liable to any penalty imposed by this Act and refuses to pay it, or the banking and securities commissioner, deputy banking and securities commissioner or any State bank examiner becomes liable to any penalty imposed by this Act, the attorney-general shall institute a penal action against such delinquent person, bank or officer, in the name of the Commonwealth of Kentucky, in the Franklin circuit court, or in the circuit court of the county in which such offense is committed, for the recovery of such penalty, and all sums collected in such actions shall be paid into the State Treasury.

If any bank or its officers wilfully refuse after demand by the banking and securities commission to comply with any of the provisions of this Act, the banking and securities commissioner shall have power to take charge of its property and assets as herein provided in Section 16 hereof.

§ 15. The banking and securities commissioner shall examine, or cause to be examined, such banks as may hereafter be placed in the hands of a receiver, as other banks, until its affairs shall be wound up, and a copy of such examination shall be filed with the clerk of the circuit court, in the county where such bank is located. The receiver or person in charge of such insolvent bank, shall make reports to the banking and securities commissioner in the same manner as required in the case of other banks. Any receiver of any insolvent bank who shall fail to comply with the provision of this section, or who shall refuse to submit the affairs of such bank to an examination as provided by law, or who shall fail to comply with any of the provisions of this Act, shall be subject to the same penalties provided for solvent banks and officers so offending.

§ 16. Whenever it shall appear that the capital stock of any bank has been impaired, the banking and securities com-

missioner shall notify such bank and each director thereof, to make such impairment good within thirty days, and it shall be the duty of the officers and directors of any bank receiving such notice from the banking and securities commissioner immediately to call a special meeting of its stockholders for the purpose of making assessments on its stock sufficient to cover the impairment of its capital, payable in cash; provided, that such bank may with the consent of the commissioner reduce its capital to the extent of the impairment, if such reduction will not place its capital below the amount required by law.

§ 17. If from any examination made as provided in this Act, it shall appear that any bank is insolvent or that its capital has become impaired, and is permitted to remain impaired beyond the period allowed by law, it shall be the duty of the banking and securities commissioner in person or by his deputy or by a State bank examiner immediately to take charge of such bank and all property and effects thereof.

If an examiner shall find that any bank is pursuing a dangerous and unsafe policy, the examiner shall call the directors and officers of such institution together and advise them fully of the nature of such objectionable practices, and warn them against a repetition thereof, and shall make a full report to the banking and securities commissioner of the practices warned against, and the advice given by him, and thereupon the banking and securities commissioner, if he deem it proper, shall, in person or by written notice to each director, require an abandonment or cessation of such objectionable practices or policy, and if his directions are not complied with, he may place a State bank examiner in charge of such bank, or he may adopt such other policy as may in his judgment seem wise and best calculated to bring the institution back to a safe condition. The officers, directors, or stockholders of any bank shall have the right forthwith, upon his declaring his intention of doing so, to execute to such commissioner a bond with surety or security approved by him, condition to secure the creditors of such bank, and

upon the execution of such bond the banking and securities commissioner shall leave with, or restore the custody and management of such bank to the officers and directors thereof. The commissioner may, if he deem necessary, cause a petition to be filed in the circuit court of the county where such bank is located, and apply to such court or to the judge thereof when the court is not in session, for the appointment of a receiver of such bank, and thereupon such court or the judge thereof shall set a date for the hearing of the application for the appointment of a receiver, not later than twenty days from the date of such motion is made and of which notice shall be served upon the bank. Upon such hearing the parties may be heard by affidavits or upon oral examination in court or before the judge and thereupon the judge shall hear and determine the question of the appointment of such receiver, and if the court shall determine that such action or proposed action of the commissioner was justified, the court shall appoint a receiver, and shall fix the amount of the bond to be given by him.

§ 18. The banking and securities commissioner may, under his hand and official seal, appoint one or more special deputy banking and securities commissioners, as agent or agents, to assist him in the duty of liquidating and distributing the assets of any insolvent bank, the certificates of appointment to be filed in the office of the banking and securities commissioner, and a certified copy in the office of the clerk of the circuit court in the county in which the office of such insolvent bank is located.

The banking and securities commissioner may, from time to time, authorize a special deputy commissioner to perform such duties connected with the liquidation and distribution, as the banking and securties commissioner may deem proper. The banking and securities commissioner may employ such counsel, and procure such expert assistants and advice as may be necessary in the liquidation and distribution of the assets of such bank, and may retain such officers or employees of such bank as he may deem necessary. He shall

require from a special deputy commissioner such surety for the faithful discharge of his duties as he may deem proper; provided, however, it shall not be for a less sum than one-half the assets of the bank.

Whenever, under the provisions of this Act, the banking and securities commissioner, in person or by a deputy or by a State bank examiner, shall take charge of any bank, or the court shall appoint a receiver as in this Act is provided, such person shall be allowed for his services not exceeding the sum of two dollars per hour for not exceeding ten hours per day for the time actually engaged by him in labor in the liquidation of the bank. If such person be a special deputy, appointed by the commissioner, or a receiver, appointed by the court such allowance shall be paid to him as his compensation, and if such person shall be the banking and securities commissioner or his deputy or a State bank examiner, the amount so allowed as compensation shall be paid into the State Treasury; and the commissioner shall fix the compensation of the counsel and any special assistants subject to review by the court, and all such expenses shall be paid out of the bank so liquidated.

Whenever the banking and securities commissioner, in person, or by deputy or by State bank examiner, shall take charge of any bank under the provisions of this Act, he shall, within thirty days thereafter, file in the office of the clerk of the circuit court of the county in which the bank is located, a detailed statement in the form prescribed in Section 10 of this Act, of the assets and liabilities of such bank, and thereafter upon the first day of the term of each succeeding session of the circuit court of such county and every sixty days in counties having circuit courts of continuous sessions, he shall file a report of his acts and doings in the administration of such bank since his last report; and any person, firm or corporation may, by petition addressed to the circuit court, have any act of such commissioner reviewed by the court, in the same manner and with the same rights and powers as

would have attached had such commissioner been a receiver appointed by the court.

The banking and securities commissioner shall cause notice to be given by advertisement in such newspapers as such bank's semi-annual reports are published, weekly for three consecutive months, calling on all persons who may have claims against such insolvent bank to present the same to the banking and securities commissioner, and make legal proof thereof, at a place and within a time not more than six months after the last date of publication, to be therein specified. He shall mail a copy of such notice to all persons whose names appear as creditors upon the books of such bank. If the commissioner doubts the justice and validity of any claim, he may reject the same and serve written notice of such rejection upon the claimant either by mail or personally. An affidavit of the service of such notice shall be prima facie evidence thereof, and shall be filed with the banking and securities commissioner. An action upon a claim so rejected must be brought within six months after such notice. Claims presented after the notification of the time fixed in the notice to creditors, shall be entitled to share ratably in the distribution to the extent of the assets in the hands of the banking and securities commissioner, equitably applicable thereto.

The assets of any bank in liquidation under this Act shall be applied (a) to the payments of costs and charges of liquidation, and preferred claims; (b) to satisfaction of secured claims to the extent of such security; (c) to the satisfaction of all other debts, including unsatisfied balances of secured claims, ratably and without preference to the amount allowed at the time of distribution, and (d) the residue, after all liabilities are paid shall be distributed for the benefit of the stockholders ratably, or may, on their request, be turned over to them or their agent for settlement.

§ 19. Any bank organized under the laws of this State and subject to the provisions of this Act, may place its

affairs and assets under the control of the banking and securities commissioner, by posting a notice on the front door, as follows: "This bank is in the hands of the banking and securities commissioner." The notice must be signed by a majority of the directors in their own handwriting, and they shall forthwith notify the banking and securities commissioner, by telegraph, of such act. The posting of such notice, or the taking charge of any such bank by the banking and securities commissioner, shall be sufficient to place all its assets and property, of whatever nature, in the possession of the banking and securities commissioner.

§ 20. The banking and securities commissioner shall keep in his office, in a place accessible to the general public, a bulletin board upon which he shall cause to be posted at noon on Friday of each week, a detailed statement, signed by him, or in case of his absence from Frankfort, or inability to act, by the deputy banking and securities commissioner in charge, giving the following information with regard to the work of the department since the preceding statement:

(1) The name of every bank that has filed in the banking and securities department an application for authorization to commence business, its location, the proposed amount of capital stock and names of incorporators, and the date of filing each application.

(2) Name and location of every bank authorized by the banking and securities commissioner to commence business, its capital, surplus, and the date of authorization.

(3) The name of every bank to which a certificate of authorization has been refused by the banking and securities commissioner, and the date of notice of refusal.

(4) The date on which a call for reports by banks was issued by the banking and securities commissioner, and the date designated as the date with reference to which such reports should be made.

(5) The name and location of every liquidated bank whose creditors or depositors have been paid in full by the banking and securities commissioner, and a meeting of whose stockholders shall have been called together with the date of notice of the meeting and the date of the meeting.

(6) The name and location of every bank subject to the banking law whose affairs and business shall have been fully liquidated or are in course of liquidation.

(7) The name and location of every bank which has applied for approval of a change of name, and the name proposed.

Every such bulletin having been posted as aforesaid for one week, shall be placed on the file for such statements, to be kept in the office of the banking and securities commissioner. Such statements shall be public documents, and at all reasonable times shall be open to public inspection during the usual office hours.

§ 21. Before filing the articles of incorporation of any proposed bank, trust company or combined bank and trust company in the office of the county clerk in the county in which the bank is to be located and do business, and with the secretary of State, as is required by law, the incorporators shall present a copy of their proposed articles of incorporation to the banking and securities commissioner for his approval or disapproval, and when such articles are approved in writing by the banking and securities commissioner, the incorporators may then proceed to the filing, and having same recorded. Upon presentation of said articles of incorporation to the commissioner he shall carefully examine same, and shall make diligent inquiry and investigation as to the financial standing and moral character and capability of each of the incorporators and shall require each incorporator to furnish satisfactory proof that each is worth at least double the amount of the par value of his stock subscription, above all exemptions, obligations and liabilities.

If such articles be approved, then the county clerk and the secretary of State, respectively, may receive said articles for filing and recording. Upon the filing and recording of said articles, and fully complying with all laws relating to the organization of the banks or trust companies or combined banks and trust companies, and such general corporation laws as are applicable, said institutions shall be deemed organized for the purpose set out in its articles of incorporation, but before such bank or trust company, or combined bank and trust companies shall transact any banking or trust business, it shall file with the commissioner a written oath which shall be taken by each and every officer of the bank, trust company, or combined bank and trust company, directors, and the cashier, if he be a director, which oath shall be in substance to the effect that such officer is then a citizen of the United States, and the Commonwealth of Kentucky; unless he be a non-resident, then place of residence must be stated; that he will well and truly discharge the duties of his office, and honestly and efficiently administer the affairs of the institution, so far as the duties of his office require; that he will uphold the laws of the Commonwealth, and particularly the banking laws; that he is the owner in good faith and in his own right of five shares, unhypothecated or pledged on a debt of the capital stock of the corporation of which he is such officer; said oath shall be taken before any officer empowered by law to administer same, and the same oath shall be taken upon the election of any officer to office in any banking and trust institution, and such original and subsequent oaths shall be transmitted to the banking and securities commissioner immediately upon its execution, and shall be by the commissioner filed and preserved.

Upon the filing of such oath, if the banking and securities commissioner be then satisfied that all requisite laws have been complied with, he shall issue to the institution a certificate which will entitle it to at once transact the business for which it was organized, setting out therein that it had subscribed and paid in the required capital and otherwise fully complied with all pertinent laws and regulations.

§ 22. The banking and securities commissioner shall report during the month of June of each year to the Governor, and such report shall be published. It shall set forth the following:

(1) A summary of the condition of every bank organized and doing business under the laws of this State, subject to examination and inspection under this Act, and such other information relating to such banks, as, in his judgment, may be useful.

(2) A statement of every bank whose business has been closed during the year, that has failed or voluntarily retired during the year.

(3) The name of banks placed in his hands in process of liquidation, and the amount of dividends paid thereon.

(4) Any proposed amendment of the laws relating to banks, by which the system, in his judgment, may be improved, and the security of creditors, depositors, and stockholders may be increased.

(5) The names and compensation of his assistants and clerks employed in his office, and a classified statement of the amount of the receipts and expenses of the banking and securities department during the year.

§ 23. The banking and securities commissioner shall devise a seal, with suitable inscription for the department, a description of which, with a certificate of approval by the Governor, together with an impression thereof, shall be filed in the office of the secretary of State, and which seal shall thereupon be and become the seal of the banking and securities department, and same may be renewed whenever necessary.

Securities Division.

§ 24. Definitions. When used in this Act the following

terms shall, unless the text otherwise indicates, have the following respective meanings:

(1) "Security" shall include any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation, certificate of interest in a profit-sharing agreement, certificate of interest in an oil, gas or mining lease, collateral trust certificate, pre-organization certificate, pre-organization subscription, any share, investment contract or beneficial interest in or title to property, profits or earnings or any other instrument commonly known as a security.

(2) "Person" shall include a natural person, a corporation created under the laws of this or any other State, country, sovereignty, or political subdivision thereof, a partnership, an association, a joint stock company, a trust and any unincorporated organization. As used herein the term "trust" shall be deemed to include a common law trust, but shall not include a trust created or appointed under or by virtue of a last will and testament, or by a court of law or equity, or any public charitable trust.

(3) "Sale" or "sell" shall include every disposition, or attempt to dispose, of a security or interest in a security for value. Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing, shall be conclusively presumed to constitute a part of the subject of such purchase and to have been sold for value. "Sale" or "sell" shall also include an exchange, an attempt to sell, an option of sale, a solicitation of a sale, a subscription or an offer to sell, directly or by an agent, or a circular, letter, advertisement or otherwise.

(4) "Dealer" shall include every person other than a salesman who in this state engages either for all or part of his time directly or through an agent in the business of selling any securities whether exempt or not exempt issued by another person or purchasing or otherwise acquiring such se-

curities from another for the purpose of reselling them or offering them for sale to the public, or offering, buying, selling or otherwise dealing or trading in securities as agent or principal for a commission or at a profit, or who deals in futures or differences in market quotations of prices or values of any securities or accepts margins on purchases or sales or pretended purchases or sales of such securities provided that the word "dealer" shall not include a person having no place of business in this State who sells or offers to sell securities exclusively to brokers or dealers actually engaged in buying and selling securities as a business. Provided that banks and trust companies that in the ordinary course of their business purchase and sell notes that are secured by a first lien on real property situated in Kentucky, the total value of which notes do not exceed 70 per cent of the fair and reasonable value of the property on which they are a lien and do not exceed twenty-five thousand dollars, shall not be dealers within the meaning of this section or act.

(5) "Issuer" shall mean and include every person who proposes to issue, has issued, or shall hereafter issue any security. Any natural person who acts as a promoter for and on behalf of a corporation, trust or unincorporated association or partnership of any kind to be formed shall be deemed to be an issuer.

(6) "Salesman" shall include every natural person, other than a dealer, employed or appointed or authorized by a dealer, or issuer to sell securities in any manner in this state. The partners of a partnership and the executive officers of a corporation or other association registered as a dealer shall not be salesmen within the meaning of this definition.

(7) "Agent" shall mean salesman as hereinabove defined.

(8) "Commissioner" shall mean the banking and securities commissioner.

§ 25. Exempt Securities. Except as hereinafter other-

wise expressly provided, the provisions of this act shall not apply to any of the following classes of securities:

(a) Any security issued or guaranteed by the United States or any territory or insular possession thereof, or by the District of Columbia or by any state or political subdivision or agency thereof.

(b) Any security issued or guaranteed by any foreign government with which the United States is at the time of the sale or offer of sale thereof maintaining diplomatic relations, or by any state, province or political subdivision thereof having the power of taxation or assessment.

(c) Any security issued or payment thereof guaranteed by a national bank or by any federal land bank or joint stock land bank or national farm loan association under the provisions of the Federal Farm Loan Act of July 17, 1916, or by the War Finance Corporation or by any corporation created or acting as an instrumentality of the government of the United States pursuant to authority granted by the Congress of the United States; provided, that such corporation is subject to supervision or regulation by the government of the United States.

(d) Any security issued or guaranteed as to principal and interest or dividend by a corporation owning or operating a railroad or any other public service utility; provided, that such corporation is subject to regulation or supervision as to its rates and charges or as to the issue of its own securities and those guaranteed by it by a public commission, board or officer of the government of the United States, or of any state, territory or insular possession thereof, or of any municipality located therein, or of the District of Columbia, or of the Dominion of Canada, or any province thereof; also equipment notes or bonds based on chattel mortgages, leases or agreements for conditional sale of cars, motive power or other rolling stock mortgaged, leased or sold to or furnished for the use of or upon a railroad or other public service utility cor-

poration, or equipment trust certificates, or equipment notes or bonds where the ownership or title of such equipment is pledged or retained in accordance with the provisions of the laws of the United States, or of any state, or of the Dominion of Canada, to secure the payment of such equipment trust certificates, bonds or notes; also bonds, notes or other evidences of indebtedness issued by a holding corporation and secured by collateral consisting of any securities hereinabove in this clause (d) described; provided, that the collateral securities equal in fair value at least 125 per centum of the par value of the bonds, notes or other evidences of indebtedness so secured.

(e) Any security issued by a corporation organized exclusively for educational, benevolent, fraternal charitable or reformatory purposes and not for pecuniary profit, and no part of the net earnings of which inures to the benefit of any private stockholder or individual.

(f) Securities appearing in any list of securities dealt in on the New York Stock Exchange or any other recognized and responsible stock exchange which has been previously approved by the commissioner and which securities have been so listed pursuant to official authorization by such exchange and also all securities senior to any securities so listed, or evidences of indebtedness guaranteed by companies any stock of which is so listed, such securities to be exempt only so long as such listing shall remain in effect; provided, the commissioner may at any time for cause withdraw the exemption allowed by this section from any security dealt in on any stock exchange herein mentioned or referred to.

(g) Any security a direct obligation of or payment thereof guaranteed by a state bank, trust company, title company, real estate mortgage company engaged in the business of making mortgage loans on real estate and the selling and offering for sale to the public the evidences of such loans, whether notes or bonds, or its own obligations secured by such notes or bonds, or savings institution incorporated under

the laws of this or any state and subject to the examination, supervision and control of this or any state or territory of the United States or of any insular possession thereof.

(h) Negotiable promissory notes or commercial paper; provided, that such issue of notes or commercial paper mature in not more than twelve (12) months from the date of issue and shall be issued within three (3) months after the date of sale.

(i) Fifty (50) per cent of the capital stock first issued by a corporation organized under the laws of this state for the purpose of doing business in this state, to enable it to transact business under Section 543 of the Kentucky Statutes where no expense in excess of one per cent of the proceeds from the sale of its capital stock so issued is incurred, and no commission, compensation or remuneration is paid or given for or in connection with the sale or disposition of such capital stock, and no part of the issue so disposed of is issued directly or indirectly in payments for patents, services, good-will, trade marks, leases, copyrights, processes, formulae, or other intangible assets. The president and secretary of the corporation hall, prior to such disposal, file with the commissioner a written verified statement setting forth the existence of the above facts, and that the corporation is formed for the purpose of doing business in this state.

§ 26. Exempt Transactions. Except as hereinafter expressly provided the provisions of this act shall not apply to the sale of any security in any of the following transactions:

(a) At any judicial, executor's, administrator's, guardian's, or other fiduciary's sale, or at any sale by a receiver or trustee in insolvency or bankruptcy.

(b) By or for the account of a pledge holder or mortgage selling or offering for sale or delivery in the ordinary course of business and not for the purpose of avoiding the

provisions of this act, to liquidate a bona fide debt, a security pledge in good faith as security for such debt.

(c) An isolated transaction in which any security is bought, sold, offered for sale, subscription or delivery by the owner thereof, or by his representative for the owner's account, such purchase, sale or offer for sale, subscription or delivery not being made in the course of repeated and successive transactions of a like character by such owner, or on his account by such representative, and such owner or representative not being the underwriter of such security.

(d) The distribution by a corporation actively engaged in the business authorized by its charter of capital stock, bonds or other securities to its stockholders or other security holders as a stock dividend or other distribution out of earnings or surplus; or the issue of securities to the security holders or other creditors of a corporation in the process of a bona fide reorganization of such corporation made in good faith and not for the purpose of avoiding the provisions of this act, either in exchange for the securities of such security holders or claims of such creditors or partly for cash and partly in exchange for the securities or claims of such security holders or creditors, or the issue of increased capital stock of a corporation sold or distributed by it directly or through an agent entirely among its own stockholders, or their assigns, where no commission or other remuneration is paid or given directly or indirectly in connection with the sale or distribution of such increased capital stock.

(e) The sale, transfer or delivery to any bank, savings institution, trust company, insurance company or to any corporation where the transaction is in good faith and for its own account in the ordinary conduct of its business or to any dealer; provided, that such dealer is actually engaged in buying and selling securities as a business; and provided that such dealer must qualify such securities before selling or offering them for sale to the public.

(f) The transfer or exchange by one corporation to an-

other corporation of their own securities in connection with a consolidation or merger of such corporations.

(g) Bonds or notes secured by mortgage upon real estate so long as the entire mortgage together with all of the bonds or notes secured thereby are sold to a single purchaser at a single sale.

(h) Any security other than common stock outstanding and in the hands of the public for a period of not less than 18 months upon which no default in payment of principal, interest or dividends exists, and upon which no such default has occurred for a continuous immediately preceding period of five years.

(i) The sale or distribution of any security described in subdivision (d) of Section 25 hereof by any corporation owning or operating a railroad or any other public service utility or by any of its subsidiary corporations through employes of any such corporation or through the employee of any of its subsidiary corporations.

§ 27. Registration of Securities. No securities except of a class exempt under the provisions of Section 25 hereof or unless sold in a transaction exempt under the provisions of Section 26 or heretofore registered hereof shall be sold within this state unless such securities shall have been registered by notification or by qualification as hereinafter defined. A record of the registration of securities shall be kept in a register of securities to be kept in the office of the commissioner, in which register of securities shall also be recorded any orders entered by the commissioner with respect to the securities registered therein shall be open to public inspection.

§ 28. Registration by Notification. The following classes of securities shall be entitled to registration by notification in the manner provided in this section:

(1) Securities issued by a corporation, partnership, as-

sociation, company, syndicate or trust owning a property, business or industry which has been in continuous operation not less than three years or which is a consolidation or merger of a property, business or industry which has been in continuous operation for not less than three years, and which has shown during a period of not less than two years or more than ten years prior to the close of its last fiscal year preceding the offering of such securities, average annual net earnings, after deducting all prior charges not including the charges upon securities to be retired out of the proceeds of sale, as follows:

(a) In the case of interest bearing securities, not less than one and one-half times the annual interest charge thereon and upon all other outstanding interest bearing obligations of equal rank.

(b) In the case of preferred stock, not less than one and one-half times the annual dividend requirements on such preferred stock and on all other outstanding stock of equal or senior rank.

(c) In the case of common stock, not less than six per centum upon all outstanding common stock of equal or senior rank, together with the amount of common stock then offered for sale reckoned upon the price at which such stock is then offered for sale or sold.

(2) Bonds or notes secured by first mortgage upon real estate leased to a corporation for a term of years at a net rental sufficient to pay the interest and to retire the principal of all bonds or notes secured by said mortgage during the term of the lease where the lease is irrevocable and is pledged under the mortgage securing said bonds or notes.

(3) Any bond or note secured by a first mortgage upon agricultural lands used and valuable principally for agricultural purposes (not including oil, gas or mining property or leases), or upon city, town or village estate or leaseholds sit-

uated in any state or territory of the United States or in the district of Columbia or in the Dominion of Canada as follows:

(a) When the mortgage is a first mortgage upon such agricultural lands, used and valuable principally for agricultural purposes, and when the aggregate face value of such bonds or notes not including interest notes or coupons, secured thereby does not exceed 70 per centum of the then fair market value of said lands without improvements, plus 70 per centum of the insured value of any improvements thereon; or

(b) When the mortgage is a first mortgage upon city, town or village real estate or leaseholds, and when the aggregate face value of such bonds or notes, not including interest notes or coupons, secured by such real estate or leaseholds, does not exceed 60 per centum of the then fair market value of said mortgaged real estate or leaseholds, respectively, including any improvement appurtenant thereto, and when said mortgaged property is used principally to produce through rental a net annual income, after deducting operating expenses and taxes, or has a fair rental value after deducting operating expenses and taxes, at least equal to the annual interest plus not less than 3 per centum of the principal of said mortgage indebtedness; or

(c) When the mortgage is a first mortgage upon city, town or village real estate or leaseholds upon which real estate or leaseholds a building or buildings is or are about in good faith forthwith to be erected according to the expressed terms of the mortgage, and when reasonably adequate provision has been made for financing the full completion of said building free and clear of any lien superior to said mortgage, and when the aggregate face value of the bonds or notes, not including interest notes or coupons, secured by such first mortgage, does not exceed 70 per centum of the fair market value of such mortgaged property, including the building or buildings to be erected thereon as aforesaid, and when said mortgaged property will have a net annual income, after deducting oper-

ating expenses and taxes, at least equal to the annual interest plus not less than 3 per centum of the principal of said mortgage indebtedness; provided, that all advertisements, circulars and letters advertising the sale of said bonds or notes and all receipts of payments therefor shall bear in bold type upon the face thereof a legend stating that said bonds are construction bonds or notes and all other written or printed offerings or said bonds or notes shall contain a statement to the same effect.

The provisions of this subsection (3) shall not apply in the case of bonds or notes secured wholly or partly by first mortgage on leaseholds, the value of which leaseholds is required to meet the ratio of property value to face value of obligation above in clauses (b) and (c) provided, unless all advertisements, circulars and letters advertising the sale of said bonds or notes and all receipts of payments therefor, and said bonds and notes shall bear in bold type not less than 18 point upon the face thereof a legend stating that said bonds or notes are secured wholly or partly by mortgage on a leasehold, as the case may be, and all other written or printed offerings of said bonds or notes shall contain a statement to the same effect.

When used in this subsection (3) the term "mortgage" shall be deemed to include a deed of trust to secure a debt.

§ 29. Registration by Notification. Securities entitled to registration by notification shall be registered by the filing by the issuer or by any registered dealer interested in the sale thereof in the office of the commissioner of a statement with respect to such securities containing the following:

(a) Name of issuer.

(b) A brief description of the security including amount of the issue.

(c) Amount of securities to be offered in the state.

(d) A brief statement of the facts which show that the security falls within one of the classes in this section defined.

(e) The price at which the securities are to be offered for sale.

In the case of securities falling within the class defined by subsections (1) or (2), if the circular to be used for the public offering is not filed with the statement, then a copy of such circular shall be filed in the office of the commissioner within five days thereafter or within such further time as the commissioner shall allow.

In the case of securities falling within the class defined by subsection (3), the circular to be used for the public offering shall be filed with the statement.

The filing of such statement in the office of the commissioner and the payment of the fee hereinafter provided shall constitute the registration of such security. Upon such registration, such securities may be sold in this state by any registered dealer giving notice in the manner hereinafter provided in Section 34, subject, however, to the further order of the commissioner as hereinafter provided.

If, at any time in the opinion of the commissioner, the information contained in the statement or circular filed is misleading, incorrect, inadequate or incomplete, or the sale or offering for sale of the security may work or tend to work a fraud or imposition the commissioner may require from the person filing such statement such further information as may in his judgment be necessary to establish the classification of such security as claimed in said statement or to enable the commissioner to ascertain whether the sale of such security would be fraudulent or deceitful, or would result in fraud, or imposition and the commissioner may also suspend the right to sell such security pending further investigation by entering an order specifying the grounds for such action, and by notifying personally by mail, telephone or telegraph the per-

son filing such statement and every registered dealer who shall have notified the commissioner of an intention to sell such security. The refusal to furnish information required by the commissioner within a reasonable time to be fixed by the commissioner may be a proper ground for the entry of such order of suspension. Upon the entry of any such order of suspension no further sales of such security shall be made until further order of the commissioner.

In the event of the entry of such order of suspension the commissioner shall upon request give a prompt hearing to the parties interested. If no hearing is requested within a period of twenty (20) days from the entry of such order or if upon such hearing the commissioner shall determine that any such security does not fall within a class entitled to registration under this section, or that the sale thereof would be fraudulent or deceitful, or would result in fraud or imposition, he shall enter a final order prohibiting sales of such security, with his findings with respect thereto, provided that if the finding with respect to such security is that it is not entitled to registration under this section, the applicant may apply for registration by qualification by complying with the requirements of Section 30. Appeals from such final order may be taken as hereinafter provided. If however, upon such hearing, the commissioner shall find that the security is entitled to registration under this section, and that its sale will neither be fraudulent or deceitful nor result in fraud or imposition, he shall forthwith enter an order revoking such order of suspension and such security shall be restored to its status as a security registered under this section, as of the date of such order of suspension.

At the time of filing the statement, as hereinbefore prescribed in this section, the applicant shall pay to the commissioner a fee of one-tenth of one per cent of the aggregate par value of the securities to be sold in this state for which the applicant is seeking registration, but in no case shall such fee be less than $10.00 or more than $100. In the case of stock having no par value, the price at which such stock is to be of-

fered to the public shall be deemed to be the par value of such stock.

§ 30. Registration by Qualification. All securities required by this act to be registered before being sold in this state, and not entitled to registration by notification, shall be registered only by qualification in the manner provided by this section.

The commission shall receive and act upon applications to have securities registered by qualification, and may prescribe forms on which he may require such applications to be submitted. Applications shall be in writing and shall be duly signed and sworn to by the applicant, and filed in the office of the commissioner and may be made either by the issuer of the securities for which registration is applied or by any registered dealer desiring to sell the same within this state.

The commissioner shall require the applicant to submit to the commissioner the following information respecting the issuer and such other information as he may in his judgment deem necessary to enable him to ascertain whether such securities shall be registered pursuant to the provisions of this section:

(a) The names and addresses of the directors, trustees and officers, if the issuer be a corporation or association or trust organized or existing under the common law (as hereinbefore defined) of all partners, if the issuer be a partnership, and of the issuer, if the issuer be an individual.

(b) The location of issuer's principal business office and of its principal office in this state, if any.

(c) The purpose of incorporation (if incorporated) and the general character of business actually to be transacted by the issuer, and the purpose of the proposed issue.

(d) A statement of capitalization of the issuer; a bal-

ance sheet showing the amount and general character of its assets and liabilities on a day not more than sixty (60) days prior to the date of filing such balance sheet; a detailed statement of the plan upon which the issuer proposes to transact business; a copy of the security for the registration of which application is made; and a copy of all circulars, prospectuses, advertisements or other descriptions of such securities then prepared by or for such issuer and or by or for such applicant (if the applicant shall not be the issuer) to be used for distribution or publication in this state.

(e) A statement of the amount of the issuer's income, expenses and fixed charges during the last past five years, or if in actual business less than five years then for such time as the issuer has been in actual business.

(f) A statement showing the price at which such security is proposed to be sold, together with the maximum amount of commission or other form of remuneration to be paid in cash or otherwise, directly or indirectly, for or in connection with the sale or offering for sale of such securities.

(g) A detailed statement showing the items of cash, property, services, patents, good will and any other consideration for which such securities have been or are to be issued in payment, and the commissioner may fix the amount of stocks, bonds or other securities that may be issued by any corporation, foreign or domestic, in payments for property, patents, good will, promotion and intangible assets at a value he should find same to be worth.

(h) The amount of capital stock which is to be set aside and disposed of as promotion stock, and a statement of all stock issued from time to time as promotion stock.

(i) If the issuer is a corporation, there shall be filed with the application a certified copy of its articles of incorporation with all amendments and of its existing by-laws, if not already on file in the office of secretary of this state. If

the issuer is a trustee there shall be filed with the application a copy of all instruments by which the trust is created or declared and in which it is accepted and acknowledged. If the issuer is a partnership or an unincorporated association, or joint stock company, or any other form or organization whatsoever, there shall be filed with the application a copy of its articles of partnership or association and all other papers pertaining to its organization, if not already on file in the office of the secretary of state of this state.

All of the statements, exhibits and documents of every kind required by the commissioner under this section, except properly certified public documents, shall be verified by the oath of the applicant or of the issuer in such manner and form as may be required by the commissioner.

With respect to securities required to be registered by qualification under the provisions of this section, the commissioner may by order duly recorded fix at not exceeding twenty (20) per cent the maximum amount of commission or other form of remuneration to be paid in cash or otherwise, directly or indirectly, for or in connection with the sale or offering for sale of such securities.

At the time of filing the information, as hereinbefore prescribed in this section, the applicant shall pay to the commissioner a fee of one-tenth of one per cent of the aggregate par value of the securities to be sold in this state, for which the applicant is seeking registration, but in no case shall such fee be less than twenty-five nor more than two hundred dollars. In case of stock having no par value the price at which such stock is to be offered to the public shall be deemed to be the par value of such stock.

If upon examination of any application the commissioner shall find that the sale of security referred to therein would not be fraudulent or deceitful or would not work or tend to work a fraud or imposition upon the purchaser, or that the enterprise or business of the issuer is not based upon unsound

business principles, then upon the payment of the fee provided in this section, he shall record the registration of such security in the Register of Securities, and thereupon such security so registered may be sold by the issuer or by any registered dealer who has notified the commissioner of his intention so to do, in the manner hereinafter provided in Section 10, subject, however, to the further order of the commissioner as hereinafter provided.

§ 31. In every note or bond secured by a mortgage or deed of trust that is issued or sold or offered for sale under Sections 25, 26, 28, 29 and 30 of this act there shall be printed in bold, black face type not less than 18 point, in a conspicuous place on the face thereof the words "This note or bond is secured by a first or second or third mortgage or deed of trust," as the case may be, and it shall be unlawful to issue, sell or offer to sell, any bond or note secured by mortgage or deed of trust without this legend appearing on the face thereof.

§ 32. Consent to Service. Upon any application for registration by notification under Section 28 made by an issuer, and upon any application for registration by qualification under Section 30, whether made by an issuer or registered dealer, where the issuer is not domiciled in this state, there shall be filed with such application the irrevocable written consent of the issuer that suits and actions, growing out of the violation of any provision or provisions of this act, may be commenced against it in the proper court of any county in this state in which the plaintiff may reside, or in which the contract was made, by the service of any process or pleading authorized by the laws of this state, on the Banking and Securities Commission, said consent stipulating and agreeing that such service of such process or pleadings on such commissioner shall be taken and held in all courts to be as valid and binding as if due service had been made upon the issuer himself, and said written consent shall be authenticated by the seal of said issuer, if it has a seal, and by the acknowledged signature of a member of the copartnership or company, or by the acknowledged signature of any officer of the incorpo-

rated or unincorporated association, if it be an incorporated or unincorporated association, duly authorized by resolution of the board of directors, trustees or managers of the corporation or association, and shall in such case be accompanied by a duly certified copy of the resolution of the board of directors, trustees or managers of the corporation or association, authorizing the officers to execute the same. In case any process or pleadings mentioned in this act are served upon the commissioner, it shall be by duplicate copies, one of which shall be filed in the office of the commissioner and another immediately forwarded by registered mail to the principal office of the issuer to an address which once filed shall be conclusively considered the permanent address of the issuer until the commissioner has been notified officially of a new one, against which said process or pleadings are directed.

§ 33. Revocation of Registration of Securities. The commissioner may revoke the registration of any security by entering an order to that effect, with his findings in respect thereto, if upon examination into the affairs of the issuer of such security it shall appear that the issuer:

(1) Is insolvent; or

(2) Has violated any of the provisions of this act or any order of the commissioner of which such issuer has notice; or

(3) Has been engaged or is about to engage in fraudulent or deceitful transactions; or transactions that would work an imposition on another party; or

(4) Is in any other way dishonest or has made any false or fraudulent or deceitful representations in any prospectus or in any circular or other literature that has been distributed concerning the issuer or its securities; or

(5) Is of bad business repute; or

(6) Does not conduct its business in accordance with law; or

(7) That its affairs are in an unsound condition; or

(8) That the enterprise or business of the issuer is not based upon sound business principles.

In making such examination the commissioner shall have access to and may compel the production of all the books and papers of such issuer, and he or his deputy may administer oaths to and examine the officers of such issuer or any other person connected therewith as to its business and affairs and may alo require a balance sheet exhibiting the assets and liabilities of any such issuer or his income statement, or both, to be certified to by a public accountant either of this state or of any other state where the issuer's business is located, approved by the commissioner.

Whenever the commissioner may deem it necessary, he may also require such balance sheet or income statement, or both, to be made more specific in such particulars as the commissioner shall point out or to be brought down to the latest practicable date.

If any issuer shall refuse to permit an examination to be made by the commissioner, it shall be proper ground for cancellation of registration.

If the commissioner shall deem it necessary he may enter an order suspending the right to sell securities pending any investigation; provided, that the order shall state the commissioner's grounds for taking such action.

Notice of the entry of such order shall be given personally or by telephone, telegraph or mail to the issuer and every registered dealer who shall have notified the commissioner of an intention to sell such security.

§ 34. Registration of Dealers and Salesmen. No dealer

or salesman shall engage in business in this state as such dealer or salesman or sell any securities including securities exempted in Section 25 of this act, except in transactions exempt under Section 26 of this act, unless he has been registered as a dealer or salesman in the office of the commissioner pursuant to the provisions of this section.

Every dealer before engaging in business in this state shall file in the office of the commissioner an application for registration in writing in such form as the commissioner may prescribe, duly verified by oath, which shall state the principal office of the applicant, wherever situated, and the location of the principal office and all branch offices in this state, if any, the name or style of doing business, the names, residence and business address of all persons interested in the business as principals, copartners, officers and directors, specifying as to each his capacity and title, the general plan and character of business and length of time the dealer has been engaged in business. The commissioner may also require such additional information as to applicant's previous history, record and association as he may deem necessary to establish the good repute in business of the applicant.

Every dealer shall file with his application an irrevocable written consent to the service of process upon the Banking and Securities Commissioner in actions against such dealer in manner and form as hereinabove provided in Section 32.

Every dealer shall also file with his application a bond in the sum of five thousand dollars ($5,000) running to the Commonwealth of Kentucky in such form as the commissioner may designate, such bond to be conditioned upon the faithful compliance with the provisions of this act by said dealer and by all salesmen registered by him. Such bond shall be executed as surety by a surety company having a net worth of not less than $1,000,000 and authorized to do business in this state. Provided, however, that upon the bond required of any bank, trust company, real estate mortgage company or title company organized and doing business under the laws of this

state or any national bank situated therein, its capital stock shall be taken and considered as the only security required for the faithful performance of its duties. If the commissioner shall find that the applicant is of good repute and has complied with the provisions of this section, including the payment of the fee hereinafter provided, he shall register such applicant as a dealer. Provided that banks, trust companies and mortgage or other companies that may become dealers under this act may, when required to execute as dealers the bond required therein, execute said bond without surety, when by action of the board of directors the capital stock is authorized to be pledged as surety and the capital stock of banks, trust and mortgage companies is hereby authorized to be so pledged; and when so pledged no other surety shall be required.

Upon the written application of a registered dealer and general satisfactory showing as to good character and the payment of the proper fee the commissioner shall register as salesman of such dealer such natural persons as the dealer may request. No dealer or salesman shall sell or offer to sell any security the sale of which has not been authorized by the commissioner and the commissioner shall deliver to each dealer and salesman a license prepared and printed in such form as he shall prescribe.

The names and addresses of all persons approved for registration as dealers or salesmen and all orders with respect thereto shall be recorded in a Register of Dealers and Salesmen, kept in the office of the commissioner, which shall be open to public inspection. Every registration under this section shall expire on the 31st day of December in each year, but new registrations for the succeeding year shall be issued upon written application and upon payment of the fee as hereinafter provided without filing of further statements or furnishing any further information unless specifically required by the commissioner. Applications for renewals must be made not less than thirty (30) nor more than sixty (60) days before the first day of the ensuing year, otherwise they shall be

treated as original applications. The fee for such registration shall be $50.00 and for each annual renewal shall be $25.00 in the case of dealers and $5.00 in the case of salesmen, for registration and $5.00 each annual renewal.

Changes in registration occasioned by changes in the personnel or a partnership or in the principals, copartners, officers, directors, of any dealer may be made from time to time by written application setting forth the facts with respect to such change.

Every registered dealer who intends to offer any security of any issue, registered or to be registered, shall notify the commissioner in writing of his intentions so to do. The notice shall contain the name of the dealer and shall state the name of the security to be offered for sale, and whenever a dealer shall have prepared such notice and shall have forwarded the same by registered mail, postage prepaid and properly addressed to the commissioner, such dealer, as to the contents of such notice and filing thereof, shall be deemed to have complied with the requirements of this paragraph. Any issuer of security required to be registered under the provisions of this act, selling such securities except in exempt transactions as defined in Section 26 hereof, shall be deemed a dealer within the meaning of this Section 34 and required to comply with the provisions hereof.

§ 35. Revocation of Dealers' and Salesmen's Licenses. Registration under section thirty-four may be refused or any registration granted may be canceled by the commissioner if after reasonable notice and a hearing the commissioner determines that such applicant or registrant so registered:

(1) Has violated any of the provisions of this act or any regulation made hereunder; or

(2) Has made a material false statement in the application for registration; or

(3) Has been guilty of a fraudulent or deceitful act in connection with any sale of securities, or has been or is engaged or is about to engage in making fictitious or pretended sales or purchases of any of such securities or has been or is engaged or is about to engage in any practice or sale of securities which is fraudulent or deceitful or would work an imposition on the purchaser, or be in violation of the law; or

(4) Is of bad business repute or has demonstrated his unworthiness to transact the business of dealer or salesman.

Pending the hearing the commissioner shall have the power to order the suspension of such dealer's or salesman's license; provided, such order shall state the cause for such suspension.

In the event the commissioner determines to refuse or cancel a registration as hereinabove provided he shall enter a final order herein with his findings on the Register of Dealers and Salesmen, and shall notify the applicant or licensee of his final order by registered mail.

It shall be sufficient cause for refusal or cancellation of registration in case of a partnership or corporation or any unincorporated association, if any member of a partnership or any officer or director of the corporation or association has been guilty of any act or mission which would be cause for refusing or cancelling the registration of an individual dealer or salesman.

§ 36. Burden of Proof. It will not be necessary to negative any of the exemptions or classifications in this act provided in any complaint, action, information, indictment or any other writ or proceedings laid or brought under this act and the burden of proof of any such exemption shall be upon the party claiming the benefit of such exemption or classifiction.

§ 37. Laws That This Act Shall Not Affect. Nothing in this act shall be construed to relieve corporations from making reports now or hereafter required by law to be made to

the secretary of State or any other State officer or paying the fees now or hereafter to be paid by corporations. This act shall not be construed to repeal any law now in force regulating the organization of corporations in this State or the admission of any foreign corporation; but the provisions of this act shall be construed to be additional to any provisions regulating the organization of a corporation under the laws of this State or the admission of a foreign corporation to do business in this State.

§ 38 Certificate of Commissioner—Admissibility in Evidence. In any prosecution, action, suit or proceeding based upon or arising out of or under the provisions of this act a certificate duly signed by the commissioner or the deputy showing compliance or noncompliance with the provisions of this act respecting the security in question or respecting compliance or noncompliance with the provisions of this act by any issuer, dealer or agent or salesman shall constitute prima facie evidence of such compliance or such noncompliance with the provisions of this act, as the case may be, and shall also be admissible in evidence in any action at law or in equity to enforce the provisions of this act.

§ 39. Certified Copies of Statements and Documents—Admissibility. Copies of any statement and documents filed in the office of the commissioner and of any records of the commissioner certified to by the commissioner or his deputy shall be admissible in any prosecution, action, suit or proceeding based upon or arising out of or under the provisions of this act to the same effect as the original of such statement, document or record would be if actually produced.

§ 40. Escrow Agreement. If the statement containing information as to securities, as provided for in section thirty of this act, shall disclose that any such securities shall have been or shall be intended to be issued for any patent right, copyright, trademark, process, lease, formulae or good will, or for promotion fees or expenses or for other intangible assets, the amount and nature thereof shall be fully set forth and the commissioner may require that such securities so

issued in payment of such patent right, copyright, trade mark, process, lease, formulae or good will, or for promotion fees or expenses, or for other intangible assets shall be delivered in escrow to the commissioner under an escrow agreement that the owners of such securities shall not be entitled to withdraw such securities from escrow until all other stockholders who have paid for their stock in cash shall have been paid for two years a dividend or dividends aggregating not less than six per cent, shown to the satisfaction of said commissioner to have been actually earned on the investment in any common stock so held, and in case of dissolution or insolvency during the time such securities are held in escrow, that the owners of such securities shall not participate in the assets until after the owners of all other securities shall have been paid in full.

§ 41. Fraudulent or Deceitful Sales—Impositions. Whenever it shall appear to the commissioner, either upon complaint or otherwise, that in the issuance, sale, promotion, negotiation, advertisement or distribution of any securities within this State, including any security exempted under the provisions of section twenty-five, or in any transaction exempted under the provisions of section twenty-six, any person, as defined in this act, or person acting for him shall have employed, or employs, or is about to employ any device, scheme or artifice to defraud, deceive or work an imposition or for obtaining money or property by means of any false pretense, representation or promise, or that any such person shall have made, makes or attempts to make in this State fictitious or pretended purchases or sales of securities or shall have engaged in or engages in or is about to engage in any practice or course of business relating to the purchase or sale of securities which is fraudulent or deceitful or would work an imposition or be in violation of law and which has operated or which would operate as a fraud or imposition upon the purchaser, any one or all of which devices, schemes, artifices, fictitious or pretended purchases or sales of securities, practices, transactions and courses of business which are hereby declared to be and are hereinafter referred to as fraudulent or deceitful practices, or practices that would work an imposi-

tion, the commissioner shall investigate, and whenever he shall believe from evidence satisfactory to him that any such person has engaged in, is engaged or about to engage in any of the practices or transactions heretofore referred to as and declared to be fraudulent or deceitful or that would work an imposition, he shall in addition to any other remedies bring an action through the attorney general in the Franklin circuit court or through the Commonwealth or county attorney in any county where the transactions or practices have been or are about to be engaged in, in the name and on behalf of the Commonwealth of Kentucky against such person and any other person or persons concerned in or in any way participating in or about to participate in such transactions or practices to enjoin such person, and such other person or persons from continuing such transactions or practices or engaging therein or doing any act or acts in furtherance thereof. In said action a judgment may be entered awarding such injunction as may be proper.

§ 42. Remedies. Every sale or contract for the sale made in violation of any of the provisions of this act shall be voidable at the election of the purchaser and the person making such sale or contract for sale and every director, officer or agent of or for such seller who shall have participated or aided in any way in making such sale shall be jointly and severally liable to such purchaser in any action at law in any court of competent jurisdiction in the county where the contract was made or in which the plaintiff resides, upon tender to the seller of the securities sold or of the contract made for the full amount paid by such purchaser.

Provided, that no action shall be brought for the recovery of the purchase price, after two years from the date of such sale or contract for sale; and provided, further, that no purchaser otherwise entitled shall claim or have the benefit of this section who shall have refused or failed within a reasonable time to accept the voluntary offer of the seller to take back the security in question and to refund the full amount paid by such purchaser, together with interest or such amount

for the period from the date of payment by such purchaser down to the date of repayment, such interest to be computed:

(a) In case such securities consist of interest bearing obligations at the same rate as provided in such obligations; and

(b) In case such securities consist of other than interest bearing obligations at the rate of six per centum per annum; less, in every case, the amount of any income from said securities that may have been received by such purchaser.

§ 43. Appeals. An appeal may be taken by any person interested and affected thereby from any final order of the commissioner to the Franklin circuit court by serving upon the commissioner within twenty days after the date of the entry of such order a written notice of such appeal stating the grounds upon which a reversal of such final order is sought; a demand in writing for a certified transcript of the record and of all papers on file in his office affecting or relating to such order. He shall also as hereinafter directed execute a bond in the penal sum of five hundred dollars to the Commonwealth of Kentucky with sufficient surety, to be approved by the clerk of the court conditioned upon the faithful prosecution of such appeal to final judgment, and the payment of all costs that shall be adjudged against the applicant. Thereupon the commissioner shall within ten days make, certify and deliver to the appellant upon the payment of the fee therefor such a transcript; and the appellant shall within five days thereafter execute the appeal bond and file the record and a copy of the notice of appeal with the clerk of the said court which said notice of appeal shall stand as appellant's complaint and thereupon said cause shall be entered on the trial calendar of said court for trial. The court shall only hear and consider such documentary and other evidence as was heard and considered by the commissioner and that is contained in the transcript upon which the appeal is taken. If the order of the commissioner shall be reversed said court shall by its judgment specifically direct said commissioner as

to his further action in the matter including the making and entering of any order or orders in connection therewith and the conditions limitations or restrictions to be therein contained, provided that the commissioner shall not thereby be barred from thereafter revoking or altering such order for any proper cause which may thereafter accrue or be discovered. If said order shall be affirmed, said appellant shall not be barred after thirty days from filing a new application, provided such application is not otherwise barred or limited. Such appeal from the finding of the commissioner shall not in any wise suspend the operation of the order appealed from during the pendency of such appeal unless so ordered by the court. An appeal may be taken from the judgment of said circuit court on any such appeal to the Court of Appeals on the same terms and conditions as an appeal is taken in civil actions. Each and every final ruling of said commissioner in the granting or refusing to grant a license or permit to transact business in this State, as well as the suspension or revoking of any such license or permit theretofore granted or issued, or the refusal of said commissioner to make investigation as to revoke any such license or permit on complaint as herein provided, shall be subject to review in a suit or other proper proceeding in the Franklin circuit court by any person, firm or corporation feeling aggrieved, and an appeal shall be granted by said circuit court to the Court of Appeals from any judgment it may render on motion of the losing party and in the same manner other appeals are prosecuted in similar cases.

§ 44. Powers of Commissioner—Rules and Regulations. The commissioner shall prescribe the forms of application and the forms of all other blanks, documents and records to be used and kept in connection with the administration hereof and in addition shall establish and promulgate such rules and regulations concerning the procedure and practice of applicants appearing before him as in his discretion may seem expedient and essential to the satisfactory enforcement and administration of this law.

§ 45. Power to Examine and Administer Oaths—Ex-

penses. The commissioner may within his discretion when and as soon as may be after an application has been filed with the department make a careful inspection and examination of and concerning the application, the personnel of the applicant issuing person, its books, records, files, accounts, affairs and properties owned in fee or controlled or covered by leases, options, or other forms of contract, wherever same or any part of same may be found, situated or located, and of such other matters as the commissioner may deem necessary. The expense of making such inspection and examination shall be borne by the applicant, who when requested by the commissioner shall make a cash deposit with the commissioner sufficient to pay the expert inspector or accountant $25.00 per day and his actual expenses and this right of examination and inspection shall be inherent and continuing in the commissioner and may be exercised from time to time by him as deemed necessary within his discretion.

§ 46. Examination Upon Complaint—When and How Made—Expense. Should it at any time upon information, complaint or otherwise, appear to the commissioner that any of the terms, provisions or purposes of any order, permit, certificate or license theretofore applied for and granted to any person by him, has been or is being violated, and without regard to the time expired since the original granting of said order, permit, certificate or license, he shall within his discretion have the inherent and continuing right, privilege and authority to require, make or conduct, at the expense of the person examined, inspected or investigated, at any and all times and at any and all places, any and all such exminations, inspections or investigations in and of the business, affairs, accounts, books, records, properties and personnel of any such person or persons he in his discretion may deem necessary, essential or expedient for the purpose of determining such fact or facts. For the purpose of defraying the necessary expenses in making and conducting such examination, inspection or investigation and where a specific sworn written complaint coupled with a written request asking the commissioner to make such examination, inspection or investigation has been filed in the office of the commissioner, and should the commis-

sioner in his discretion deem said complaint and request to be meritorious and sufficient, he may as a condition precedent to making such examination, inspection or investigation demand and receive from the requesting complainant, a cash deposit in an amount sufficient to cover the necessary expense of making such examination, inspection or investigation.

§ 47. Misleading Advertisements—Liabilities. In addition to the liability now imposed by law, any person or company that, by written or printed circular, prospectus, statement or advertisement of any kind, shall offer for subscription or purchase any security; or receive the profits accruing from the disposal of security; or receive the profits accruing from the disposal of securities so advertised, shall be liable to any person who, on the faith of such advertisement or document, acquires such security, for the loss or damage sustained by him by reason of any false or misleading statement contained therein, unless such person or company shall establish that he or it had no knowledge or notice of the publication of such advertisement prior to the transaction complained of, or had just and reasonable grounds to believe the statement thereof to be true. Wherever any corporation shall be so liable, the officers and directors thereof shall also be, under like limitations, jointly and severally liable. Any such officer or director, upon payment of a judgment so obtained against him, shall be subrogated to the rights of the plaintiff against such corporation and shall have the right of contribution for the payment of such judgment under like limitations, against any of his fellow officers or directors. Lack of reasonable diligence to ascertain the fact of such publication or the falsity or misleading nature of any statement therein contained, shall be deemed to be knowledge of such publication and of the falsity or misleading nature of any untrue statement thereof. Any action brought against such officer or director, based upon the liability hereby imposed, shall be brought within two years after the acquisition of the security by any person so damaged or after payment of the judgment for which contribution is sought.

§ 48. Advertisement of Securities. It shall be unlawful

hereafter, except as to exempt securities, as provided in section twenty-five, and securities that may be sold and offered for sale on notification as provided in section six:

(1) To advertise in this State, through or by means of any prospectus, circular, price list, letter, order blank, newspaper, periodical or otherwise; or

(2) To circulate or publish any newspaper, periodical or either written or printed matter in which any advertisement in this section specified shall appear; or

(3) To circulate any prospectus, price list, order blanks or other matter for the purpose of inducing or securing any subscription to or sale of any security or securities, not exempted under any of the provisions of this act, and not sold or to be sold in one of the transactions exempted under the provisions of this act, unless and until the requirements of this act have been fully complied with and such advertising matter has been filed with and approved by the commissioner.

§ 49. Certain information and Records Open to Inspection by Public. All information received by the commissioner shall be kept open to public inspection at all reasonable hours, and the commissioner shall supply to any applicant upon payment of fee therefor copies of any papers or record with the commissioner, but the commissioner shall have power and authority to place in a separate file, not open to the public except on his special order, any information which he deems in justice to the person filing the same should not be made public. An exemplification of the record under the hand of the commissioner, or of his deputy, shall be sufficient evidence of any record made or entered by or on file with the commissioner. A certificate under the hand of the commissioner or his deputy, showing that the securities in question have not been recorded in the register of qualified securities, shall constitute prima facie evidence that such securities have not been qualified for sale pursuant to the provisions of this act, and shall be admissible in evidence in any proceeding, either civil

or criminal, instituted under any of the laws or statutes of this State.

§ 50. Warnings to Public. The commissioner may when he deems it of public interest so to do issue and give warnings in such manner as he thinks necessary to the public concerning securities being sold in this State.

§ 51. Fees Paid Into State Treasury—Expenses of Administration. All fees herein provided for shall be collected by the commissioner and shall be paid over to the State Treasurer to go into the general fund, except such fees as are paid directly to the expert inspector, auditor or accountant by the person examined which may be done when the commissioner first approves expert inspector, auditor or accountant and permits the person examined to pay the fees directly to him. All expenses of the administration of this act, including salaries, clerk hire, postage, printing, stationery and the like shall be paid out of available funds in the treasury on the auditor's warrant for the payment of bills itemized and certified to as correct by the commissioner.

§ 52. Commission for Sale of Securities. It shall be unlawful for any person, firm, corporation or association to pay or agree to pay, directly or indirectly, in consideration for the sale of any of the securities included in this act a commission or fee greater than twenty (20) per cent.

§ 53. Construction of Act. No trick, device, subterfuge or pretense shall be allowed to evade the operation or defeat the purpose of this law, and its provisions shall be liberally construed in order that the purpose and intention of the act to protect the public from fraud, deceit, and imposition in the sale of the securities referred to in this act, may be carried out.

§ 54. Penalty for Refusal to Obey Order of Commissioner. Any person who shall refuse to make answer to any competent and material question propounded to him by the commissioner, or his deputy, shall upon conviction in any

court of competent jurisdiction, be punished by a fine not to exceed five hundred ($500) dollars, or by confinement in the county jail for not more than ninety days, or by both such fine and imprisonment.

§ 55. Penalty For False Statements. Any person who, under oath makes a false answer to any competent and material question in any hearing before the commissioner, special inspection, examination or investigation, shall be guilty of false swearing, and upon conviction shall be punished as prescribed in section 1174 of the Kentucky Statutes.

§ 56. Penalty for Filing False Statement with Commissioner. Any person who shall make or file, or cause to be made or filed with the commissioner under or in compliance with any of the provisions of this act, any statement, document, or other paper sworn to by him and which is false in any material respect or matter, shall be deemed guilty of false swearing and upon conviction thereof shall be punished as provided for in section 1174 of the Kentucky Statutes.

§ 57. Penalty for Sale of Securities of Insolvent Issuer. Any issuer or agent, salesman, dealer or broker of or for any issuer knowing such issuer to be insolvent, who shall offer to sell any securities issued by such issuer, or who shall make any sale of any such securities of and for such issuer, shall be deemed guilty of a felony, and upon conviction thereof in any court of competent jurisdiction, shall be punished by confinement in the penitentiary for not less than one nor more than ten years. For the purpose of this section an issuer shall be deemed insolvent whenever the aggregate of his or its property shall not, at a fair valuation, be sufficient in amount to pay his or its debts.

§ 58. Penalty for Violations of this Act. Any person who wilfully does, or aids or advises in doing any act that is not included in and punished by sections fifty-four, fifty-five, fifty-six, and fifty-seven of this act, and that is prohibited or made unlawful by any of the provisions of this act, shall be

guilty of a felony, and upon conviction thereof, shall be imprisoned in the penitentiary for not less than one nor more than seven years.

§ 59. Constitutionality. Should the court declare any section or clause of this act unconstitutional, then such decision shall affect only the section or clause so declared to be unconstitutional and shall not affect any other section or clause of this act.

Statutes Repealed.

§ 60. That the following sections of Carroll's Kentucky Statutes, 1930 Edition, be and the same are hereby repealed, to-wit, Sections 165a-1 to and including 165a-22, and Sections 883e-1 to and including 883e-36, and all other sections of said statute and all acts or parts of acts in conflict herewith.

§ 61. All funds in the State treasury to the credit of the banking department and to the Kentucky Securities Department are hereby transferred to the Banking and Securities Department of Kentucky, and the State treasurer is hereby directed to make such transfer upon the approval of this act by the Governor.

Emergency.

§ 62. Because this act repeals all existing laws pertaining to the banking department of the Commonwealth and all existing laws pertaining to the Kentucky securities department of the Commonwealth and abolishes said departments and creates a new department, combining the duties of the two former departments into one department, an emergency is declared to exist, and this act shall take effect when enacted by the General Assembly of the Commonwealth of Kentucky into a law and approved by the Governor.

Ordered that said bill be read the third time.

Senator Franklin moved that the third reading of said

bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | J. S. W. Holloway | D. C. Naive |
| W. W. Booles | Robert Humphreys | Dr. G. W. Ragan |
| H. M. Brock | Silas Jacobs | O. M. Rogers |
| Edwin C. Dawson | L. C. Littrell | R. H. Royster |
| Thos. C. Ferguson | Frank I. Lloyd | E. D. Stephenson |
| Walter N. Flippin | C.T.McCormick,Sr. | Joe Stewart |
| Chas. G. Franklin | Wm. Mehler | Sewell B. Williams |
| Perry B. Gaines | E. C. Moore | Allie W. Young |

—24

Those who voted in the negative were:

| | | |
|---|---|---|
| Ray B. Moss | J. M. Rose | Fred C. VanHoose |

—3

Resolved that the title thereof be as aforesaid.

Senator Franklin moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of

the Day a bill which originated in the Senate of the following title:

S. B. 454. An Act authorizing the funding of certain indebtedness of the Commonwealth of Kentucky, which is evidenced by outstanding State warrants, by the issuing of funding bonds, and acknowledging and confirming the validity of such warrants and the indebtednes evidenced thereby, and waiving all and singular defenses, if any, of the Commonwealth in relation thereto, and prescribing the powers and duties of the State Budget Commission in the premises, and providing for a sinking fund for the payment of such bonds and the interest thereon.

Senator Stephenson proposed the following amendment to said bill:

Amend Senate Bill No. 454 by striking out of line 11 of sections 1 of the printed bill the following word and figure: "Six (6%)" and substituting therefor the following word and figure "Five (5%)."

Senator Stephenson moved that said amendment be adopted.

The question being taken thereon, was decided in the affirmative.

Said amendment was adopted.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. Negotiable coupon bonds of the Commonwealth of Kentucky hereby are authorized to be issued by the State Budget Commission in a sum sufficient when sold as hereinafter provided to fund the above described indebtedness by payment of said warrants and accrued interest thereon to the

time of such payment, which bonds shall bear interest at not more than five (5%) per cent per annum, and shall be sold by the State Budget Commission which hereby is empowered to make a contract or contracts for the sale thereof and to sell the same as, in its judgment, may be deemed for the best interests of the Commonwealth, but not at a price lower than that on which the interest yield as computed from standard tables of bonds values will equal six (6%) per cent per annum. Such bonds shall be issued in such denomination or denominations and with such provisions, if any, for the registration of the principal and/or interest thereof and shall be payable at such place or places, all as may be determined by the State Budget Commission, which shall prescribe the form of the bonds and the manner of execution thereof. None of said bonds shall mature later than July 1, 1952, and not more than two million ($2,000,000.00) dollars in principal amount thereof shall mature in any one of the years 1948 to 1952, and not more than one million ($1,000,000.00) dollars in principal amount thereof shall mature in any one year prior to the year 1948. The proceeds of the sale or sales of such bonds shall be paid into the State treasury into a special fund and held in trust for the sole purpose of paying the indebtedness evidenced by said warrants.

§ 2. There shall be levied and appropriated in each fiscal year while any of said bonds shall be outstanding a tax in an amount sufficient to pay the interest and principal which will become due in such fiscal year upon said bonds, which tax may be included in the levy of taxes for general purposes, but an amount sufficient to pay the interest and principal of said bonds as the same shall become due shall be set aside annually into a special sinking fund for the sole purpose of paying such principal and interest.

§ 3. The State Budget Commission hereby is vested with full power to do all things deemed necessary or proper by it for the issuance of bonds and the funding of warrant indebtedness as herein provided, subject only to any applicable limitations of the Constitution of the Commonwealth of Kentucky.

§4. All and singular of the warrants identified in Section 1 herein hereby are confirmed and acknowledged by the General Assembly to be valid and to evidence valid debts of this Commonwealth, and the acts of the Auditor of Public Accounts in issuing said warrants and the acts of the State Treasurer in stamping them as interest bearing hereby are ratified and approved and the indebtedness of the Commonwealth evidenced thereby hereby is confirmed and acknowledged, and all and singular defenses, if any, of the Commonwealth in relation thereto hereby are waived.

§ 5. If any clause, sentence, paragraph, section, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair, or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered; and it hereby is declared to be the intention of the General Assembly to enact each clause, sentence, paragraph, and section separately, and it is further declared that if any clause, sentence, paragraph, section, or part of the act be held invalid, the General Assembly nevertheless would have enacted the remainder of this act.

§ 6. For the reasons set forth in the preambles hereof and for the further reason that there is now no provision of law to enable persons holding State warrants to obtain payment thereof, an emergency hereby is declared to exist and this act shall take effect immediately upon its passage and approval by the Governor.

Ordered that said bill be read the third time.

Senator Gaines moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Arch Hamilton | Marion F. Pogue |
| W. W. Booles | Wm. Isaacs | Dr. G. W. Ragan |
| H. M. Brock | Alex E. Johnson | O. M. Rogers |
| Edwin C. Dawson | L. C. Littrell | J. M. Rose |
| Dr. T. J. Edge | Frank I. Lloyd | R. H. Royster |
| Thos. C. Ferguson | Rev. C. D. McCaw | E. D. Stephenson |
| Walter N. Flippin | C.T.McCormick,Sr. | Sewell B. Williams |
| Chas. G. Franklin | E. C. Moore | Allie W. Young |
| Perry B. Gaines | D. C. Naive | —26 |

Those who voted in the negative were:

F. M. White —1

Resolved that the title thereof be as aforesaid.

Senator Gaines moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 442. An Act prescribing the qualifications of County Judges in counties having a city of the first, second, third and fourth class.

Senator Rogers moved that said bill be recommitted to the Committee on Rules.

The Question being taken thereon, was decided in the affirmative.

Said bill was recommitted.

## COMMITTEE REPORTS

The Committee on Rules, to which had been referred bills of the following titles:

H. B. 24. An Act fixing the fiscal year of cities of the fourth, fifth and sixth class.

H. B. 605. An Act to amend and re-enact Sections 1, 2 and 19 of an act entitled, "An Act to authorize cities of the second, third and fourth class, to acquire water works and to issue bonds, therefor, payable from the revenues of such works," being Chapter 133 of the Acts of the General Assembly of 1926, so as to extend the provisions thereof to include the acquisition of sewerage systems within said cities.

H. B. 547. An Act submitting to the qualified voters of third and fourth class cities contracts for utility service for a period of more than two years.

H. B. 586. An Act to amend Sections seven and eighteen of an Act entitled "An Act to provide an elective system of Workmen's Compensation for industrial accidents" and known as Chapter thirty-three of the Acts of the General Assembly of the Commonwealth of Kentucky for the year 1916 and subsequent amendments thereto, said sections as amended and to be amended being known as Sections 4887 and 4899 of Carroll's Kentucky Statutes, Sixth Edition 1922.

H. B. 765. An Act to repeal and re-enact Section 4526b-5, Kentucky Statutes, Carroll's 1930 Edition, relating to high school pupils attending the high school that is most convenient to them and providing for the payment of tuition therefor, so that said section, when repealed and re-enacted, shall read:

H. Res. 13. A resolution authorizing S. M. Green to sue the Commonwealth of Kentucky and the State Highway Commission of Kentucky or either of them.

H. Res. 41. A resolution authorizing the Treasurer of Kentucky to pay Leila L. Wilhoit for stenographic work performed for the State of Kentucky. Reported said bills and resolutions with expression of opinion that same ought to pass. It was ordered that bills and resolutions be read at length and placed on the calendar.

A message was received from the House of Representatives announcing that they had passed S. B. 304. An Act to amend and re-enact Section 762a-20, Kentucky Statutes, Carroll's 1930 Edition, relating to the writing of insurance through licensed agents within this Commonwealth, and prescribing penalties for violation of the provisions of this act with the following amendment thereto:

Amend S. B. 304 in House, page 1, section 1, line 10, by inserting after the word "any" and before the word "stock" the word "foreign."

Said bill and amendment was referred to the Committee on Rules.

A message was received from the House of Representatives announcing that they had passed a bill of the following title:

S. B. 79. An Act to repeal and re-enact Sections 216a-1; 216a-7; 216aa-16; 216aa-25; 216aa-27; 216aa-28; and to repeal Sections 216aa-4; 216aa-5; 216aa-6; of Carroll's Kentucky Statutes (Baldwin's Revision of 1930) relating to the State Board of Charities and Corrections, its management and supervision of the benevolent, charitable, eleemosynary, correctional and penal institutions of this State; declaring an emergency, and repealing all laws, or parts of law, in conflict herewith to the extent of such conflict with the following amendments thereto:

Amend. 1. Amend S. B. 79 in House by adding at the end of line 24 of Section 1 of the printed bill, the following: "All the power and authority vested in the State Board of Charities and Corrections by Chapter 16, Carroll's Kentucky Statutes, 1930 Edition, is hereby transferred to and vested in the Department of Public Welfare."

Amend. 2. Amend S. B. 79 in House, by striking out of lines 6, 21 and 22 of Section 5; lines 8, 9, 13, 21 and 22 of Section 6; lines 6 and 7 of Section 7; lines 2 and 3 of Section 12, the following: "Board of Charities and Corrections" and substitute therefor the following: "Department of Public Welfare."

Amendment to title: Amend the title to S. B. 79 in House, by striking out the title to said bill and substituting therefor the following title: An Act to repeal and re-enact Sections 216a-1; 216a-7; 216aa-16; 216aa-25; 216aa-27; 216aa-28, Carroll's Kentucky Statutes, 1930 Edition; and to repeal Sections 216aa-4; 216aa-5; 216aa-6, Carroll's Kentucky Statutes, 1930 Edition, relating to the charitable, penal and eleemosynary institutions; creating the Department of Public Welfare and providing its duties and transferring and vesting in the Department of Public Welfare all of the powers and authority now vested by law in the Board of Charities and Correction, and declaring an emergency, and repealing all laws or parts of laws in conflict herewith to the extent of such conflict; and fixing the compensation of the Commissioners, Board and Chairman of the Board.

Senator Stephenson moved that the Senate refuse to concur in amendments passed by the House of Representatives.

The question being taken thereon, was decided in the affirmative.

Said motion was agreed to.

Senator Allie W. Young moved that the Senate adjourn until 11:30 o'clock P. M., Friday, March 4th.

Said motion was agreed to.

And the Senate adjourned.

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FRIDAY, MARCH 4. 1932

The Senate was called to order by the President of the Senate, Lieutenant-Governor Albert B. Chandler.

The Senate was opened with prayer by Rev. O'Dwyer of the Frankfort Catholic Church.

The roll of the Senate was called and the following Senators answered to their names:

| | | |
|---|---|---|
| Jas. H. Bondurant | Silas Jacobs | J. M. Rose |
| W. W. Booles | Alex E. Johnson | R. H. Royster |
| H. M. Brock | L. C. Littrell | Dr. Lewis Ryans |
| Edwin C. Dawson | Frank I. Lloyd | E. D. Stephenson |
| Dr. T. J. Edge | Rev. C. D. McCaw | Joe Stewart |
| Thos. C. Ferguson | C.T.McCormick,Sr. | Thos. O. Turner |
| Walter N. Flippin | Wm. Mehler | Fred C. VanHoose |
| Chas. G. Franklin | E. C. Moore | F. M. White |
| Perry B. Gaines | Ray B. Moss | Sewell B. Williams |
| Arch Hamilton | D. C. Naive | W. A. Yates |
| J. S. W. Holloway | Marion F. Pogue | Allie W. Young |
| Robert Humphreys | Dr. G. W. Ragan | Gates F. Young |
| Wm. Isaacs | O. M. Rogers | —38 |

Senator Gates F. Young moved that the reading of the Journal be dispensed with and the Journal approved.

Said motion was agreed to.

Senator Mehler moved that the privileges of the floor be extended to Mr. Wallace McKay of Louisville.

Said motion was agreed to.

Senator Bondurant moved that the privileges of the floor be extended to Mr. J. R. Miller.

Said motion was agreed to.

Senator Holloway moved that the privileges of the floor be extended to Judge Earl Senff of Mt. Sterling.

Said motion was agreed to.

Bills of the following titles were introduced, referred and ordered printed, as follows, viz.:

By Senator Bondurant.

S. B. 470. An Act to repeal and re-enact Section 418a, Carroll's Kentucky Statutes 1930 Edition, relating to redistricting the State of Kentucky into nine Congressional Districts, in pursuance to the 1930 Federal Re-apportionment Act.

To Committee on Rules.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That Section 418a Carroll's 1930 Edition Kentucky Statutes be repealed and re-enacted so as to read as follows:

That the Commonwealth of Kentucky be, and the same is now hereby divided into nine Congressional Districts as follows:

The First Congressional District shall be composed of the counties of Ballard, Caldwell, Calloway, Carlisle, Lyon, Crittenden, Fulton, Graves, Hickman, Livingston, Marshall, McCracken, Trigg, Christian, and Muhlenberg.

The Second District shall be composed of the counties of Daviess, Henderson, Hopkins, McLean, Union, Webster, Ohio, Butler, Edmonson, Warren, Simpson, Logan, Todd, and Allen.

The Third District shall be composed of the counties of Bullitt, Green, Hardin, Grayson, Breckenridge, Hart, Larue, Marion, Meade, Nelson, Taylor, Washington, Spencer, Anderson, Adair, Metcalfe, Barren, Hancock, and Boyle.

The Fourth District shall be composed of the County of Jefferson.

The Fifth District shall be composed of the counties of Boone, Campbell, Carroll, Gallatin, Grant, Kenton, Pendleton, Trimble, Oldham, and Shelby.

The Sixth District shall be composed of the counties of Bourbon, Clark, Estill, Fayette, Franklin, Henry, Owen, Scott, Woodford, Jessamine, Madison, Garrard, Mercer, Lincoln, Casey, and Pulaski.

The seventh District shall be composed of the counties of Floyd, Johnson, Knott, Letcher, Martin, Magoffin, Pike, and Perry.

The Eighth District shall be composed of the counties of Bracken, Bath, Boyd, Carter, Elliott, Fleming, Lawrence, Greenup, Harrison, Lewis, Mason, Menifee, Morgan, Nicholas, Robertson, Rowan, Wolfe, Montgomery, Breathitt, Lee, and Powell.

The Ninth District shall be composed of the counties of Harlan, Leslie, Jackson, Owsley, Clay, Knox, Whitley, Bell, McCreary, Wayne, Russell, Clinton, Cumberland, Monroe, Laurel, and Rockcastle.

All laws and parts of laws in conflict herewith are hereby repealed.

By Senator Jacobs.

S. B. 471. An Act abolishing the office of County Treasurer and repealing and re-enacting Section 8928 Carroll's Kentucky Statutes 1930 Edition.

To Committee on Rules.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

In all counties except those containing cities of the first or second class the office of the County Treasurer is hereby abolished and his duties shall be exercised or performed by County Auditor.

All laws, or parts of laws, in conflict with the provisions of this Act, to the extent of such conflict are hereby repealed.

By Senator Jacobs.

S. B. 472. An Act abolishing the office of County Jailor and fixing certain additional duties for the County Sheriffs and providing for an office for the said Sheriffs, defining his duties and fixing his salary and the salary of his deputies and to repeal and re-enact the following Sections of Carroll's Kentucky Statutes 1930 Edition, 1726, 4122, 4168, 4399a-8, 4557, 4560.

To Committee on Rules.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

In all counties except those containing cities of the first and second class the office of Jailer is hereby abolished under the provisions of Section 105 of the Constitution of Kentucky

and the Sheriff of these counties shall be required to perform the duties of Jailer.

In addition to the above duties the Sheriff shall exercise all powers and duties heretofore exercised or performed by him, in so far as such duties or powers are not changed by law.

The Sheriff shall receive a salary of ($1800.00) eighteen hundred dollars per year payable monthly out of the general levy fund of the county in lieu of all fees allowed to him by the county for serving all orders or notices of and attending sessions of the County Courts and Board of Supervisors. In addition to the said salary the Sheriff shall receive such fees as are allowed him by Statute for services in criminal and civil cases.

Every Sheriff may by and with the approval of the County Judge, appoint his own deputies and may revoke the appointment at his pleasure. Before any deputy shall proceed to execute the duties of his office he shall take the oath required to be taken by the Sheriff.

The salary of the deputy Sheriff shall be fixed by the Fiscal Court and except in cases of emergencies no Sheriff shall have more than one deputy. No deputy Sheriff shall be paid more than twelve hundred dollars ($1200.00) per year payable monthly out of the general fund of the county.

It shall be the duty of the County Court to cause the Sheriff to give bond for the faithful performance of his duty, in the sum of five thousand dollars ($5000.00) before he is inducted into the office and every two years thereafter or oftener if the Court may deem it proper, and upon his failure to do so the Court shall enter an order suspending him from acting until he gives said bond, or the Court may vacate his office.

If any provision of this Act is held invalid, it shall not affect in any way the other provisions of the Act, but they shall remain in full force and effect.

All laws, or parts of laws, in conflict with this Act, to the extent of such conflicts, are hereby repealed.

By Senator Jacobs.

S. B. 473. An Act dealing with revenue and taxation and creating the office of County Auditor, fixing his duties and salary, providing for deputy County Auditors, providing for bond to be executed, fixing the manner of election and term of office of the County Auditor and deputies and abolishing the office of County Assessor and repealing and re-enacting the following Sections of Carroll's Kentucky Statutes 1930 Edition: 4042a-1; 4042a-2; 4042a-3; 4042a-4; 4042a-5; 4042a-6; 4042a-7; 4042a-8; 4042a-9; 4042a-10; 4042a-12; 4042a-15; 4060; 4061; 4062; 4063; 4064; 4065; 4067; 4076a-1; 4076a-2; 4119; 4121; 4121-3; 4122; 4122a; 4125; 4126; 4127; 4128a-1; 4129; 4134; 4135; 4136; 4137; 4140; 4167; 4168; 4399a-8.

To Committee on Rules.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

In all counties in this Commonwealth except those containing cities of the first and second classes the office of County Assessor is hereby abolished under the provisions of Section 104 of the Constitution in lieu thereof the office of County Auditor is created.

The County Auditor shall assume, exercise and perform all duties which have heretofore been delegated to be exercised or performed by the County Tax Commissioner.

The County Auditor or his deputies, shall exercise and perform such other powers and duties as may be imposed upon him by law or by the order of the State Tax Commission.

The County Auditor shall be elected by the Fiscal Court

of each County, from a list submitted by the County Judge and approved by the State Tax Commissioner and shall serve for a term of four years. Said election shall take place at the October term of the Fiscal Court in each County, except those containing Cities of the first or second class, in the year 1933 and every four years thereafter.

The County Auditor may with the approval of the Fiscal Court appoint such deputies as are authorized under Section 4042-8 Carroll's Kentucky Statutes, 1930 Edition.

The County Auditor and his deputies shall read and administer the oath required to be taken by persons whose property is required to be listed for taxation.

The County Auditor and his deputies, before they enter upon the duties of the office, shall take the oath prescribed by the Constitution.

The County Auditor shall at the same time execute such bond as required under Section 4130 Carroll's Kentucky Statutes.

The County Auditor shall commence the duties of his office on the first day of January. On the first day of July of each year he shall assess the property in his County by Justices' districts in separate books, and he shall also make a separate book or books for each incorporated city, town or taxing district of this County, by wards or other sub-divisions as convenience may require.

In case any person who was elected County Auditor shall fail to qualify, or after qualifying as County Auditor shall die, resign or be removed from office during his term of office the vacancy shall be filled by the Fiscal Court in the same manner as has been prescribed for the election of County Auditor.

The County Auditor herein provided for shall, subject to the direction, instruction and supervision of the State Tax

Commissioner, and the Fiscal Court of each County, make the assessment of all property within their counties, except as otherwise provided for, prepare the assessment books and perform such other duties as may be imposed upon him by law.

Any County Auditor shall be romoved from office by the Fiscal Court upon petition of the State Tax Commissioner or any tax payer, or for misfeasance or malfeasance in office or willful neglect in the discharge of his official duties.

In counties having as assessed valuation of $10,000,000 or less the County Auditor shall receive a salary of $3,000.00 per year payable, monthly, 1/3 by State, 1/3 from the General Levy of the County and 1/3 from school fund of the County. In counties having as assessed valuation more than $10,000,-000 and less than $25,000,000, the County Auditor shall receive a salary of $3,600.00 per year payable as above.

In counties having as assessed valuation of more than $25,000,000 the County Auditor shall receive $5,000.00 per year payable as above.

In counties having an assessed valuation of more than $15,000,000 the County Auditor shall be allowed one deputy County Auditor at $1,500.00 per year payable in the same manner and from the same funds as is herein provided for the County Auditor and in all counties having an assessed valuation of $25,000,000 or more the County Auditor shall be allowed one deputy Auditor for each additional $10,000,000 assessment.

The County Auditor and his deputy or deputies shall subscribe, swear to and file with the County Clerk on the first day of January each year the following affidavit, viz.:

I do swear that I have not received from any person or persons a list of taxable property and returned the same until the person or persons rendering the list has made oath to the truth of the same; and I do further swear that I have in no

instance assessed any property at a greater or less sum than I deemed a fair cash value, estimated at the price it would bring at a fair voluntary sale.

Any County Auditor or deputy who shall make affdavit knowing the same to be false in any particular, shall be deemed guilty of false swearing, and upon conviction shall be punished accordingly.

The foregoing affidavit shall be filed as other minutes of the County Court are filed and shall be kept as a permanent record.

A reduction of fifty cents (.50) shall be made from the County Auditor's compensation for each list he shall fail to report for taxation, or shall report without authority of law, and one dollar ($1.00) for each duplicated assessment.

The County Auditor shall be liable on his bond for all lists duplicated or omitted. After the County Auditor has made his final settlement with the Auditor of Public Accounts for the year he shall report on oath to the Fiscal Court at their next term a list of all persons with their taxable property, so far as known to him, who were omitted from the tax list, also the names of any person duplicated on same, and it shall be the duty of the Fiscal Court to certify such list to the County Attorney, and the said attorney shall take such steps as are necessary to collect same from the County Auditor or his bondsmen and to pay same into State Treasury as other State funds are paid.

It shall be the duty of each taxpayer to personally appear before the County Auditor or his deputy at the County Auditor's office and list his property within the term provided for the assessment of property. Upon failure of any taxpayer to comply with this Statute he shall be subject to a fine of not less than ten dollars ($10.00) or more than one hundred dollars ($100.00).

The County Auditor shall meet the County Board of

Supervisors and furnish such supervisors with memorandums showing all real estate assessed to different parties or in different districts from the year before, also a memorandum showing to whom and in what districts property was assessed in the last two assessments and such other information as they may require. In years when the term of the County Auditor expires it shall be his duty to attend the meetings of the Board of Supervisors for the next year and furnish them the information above required, for which he shall receive the same compensation as is paid to members of the County Board of Supervisors.

If for any cause, the tax books are not returned by the Auditor, or are destroyed, the County Auditor shall copy the tax books of the previous year, by the fifteenth day of February and notify the State Auditor. By this tax book the State Auditor and County Auditor shall be governed in the collection and payment of the tax into the treasury for that year, and the County Auditor shall be governed by the same book in collecting the county levy for that year.

The County Auditor shall report to the Supervisors, the names of all persons refusing to give a full and complete list of their property, or refusing to make oath of the same; and if the Supervisors fail to get a full and complete list of the property of such person, and so notify the Clerk, then the County Court, after giving five days notice to such person, shall proceed to determine and ascertain the property and its value, and shall impose on such person a fine not exceeding one hundred dollars ($100.00).

The County Clerk shall issue summons in the name of the Commonwealth of Kentucky, in which shall be stated the offense in general terms against each of the delinquents, returnable to the next term of the County Court, which shall hear and determine the cause, upon giving the defendant the right to have a jury to try the facts, if demanded before the trial is begun, which jury shall be composed of housekeepers and shall be summoned by the Sheriff. If the defendant be

found guilty, the Court shall enter judgment fine and cost. The Court shall assess the taxable property upon the statement, made upon oath, or upon evidence as he may be able to obtain, and an execution shall be issued for the fine and cost, the amount of the assessment shall be certified by the Clerk to the County Auditor and to the Auditor of Public Accounts, and the tax collected and accounted for as other taxes.

The County Court, before judgment is rendered against one reported in default, as above indicated, may if it is satisfied that the defendant was not wilfully in default, direct the Clerk to make the list of taxable property of such delinquent in the manner prescribed by law. The list aforesaid shall be forthwith certified to the County Auditor and to the Auditor of Public Accounts, to be charged to the County Auditor, and accounted for by him as other revenue. In such cases the County Court may excuse the delinquent from the payment of the fine, upon the payment of the cost of the prosecution.

Any person who fails to report his property before the 30th day of November shall be considered in default.

No County Auditor shall receive or receipt for any taxes until a copy of the tax books as approved by the Board of Supervisors, has been made out and certified by the Board of Supervisors and in no case shall any tax be collected before July first in year tax is due.

For violation of this section the County Auditor shall be fined one hundred dollars ($100.00) for each offense.

After the Board of Supervisors has certified the tax books to the County Auditor he shall procure the State, county and school levies on each class of property from the proper authorities and shall then calculate the taxes due the State, county school, county polls for each individual taxpayer, opposite their names in said tax book, upon the forms that may hereafter be prescribed by the State Tax Commission. Said books and forms to hereafter be a permanent record of the County Auditor's office.

Section 4076a-2 is hereby repealed.

The said Supervisors shall convene at the county seat on the second Monday in February. At the time of the meeting the County Auditor shall deliver to said Supervisors the tax books for the county which shall be considered by the said board, with other information, in ascertaining and fixing the value of property in that county.

The Board of Supervisors shall continue in session at its first meeting in each year not less than two nor more than twelve days in counties not containing a city of the first, second, third, fourth or fifth class; in counties having therein a city of the first class, the board may remain in session fifty days; in counties having a city of the second class, the board may remain in session forty days; in counties having therein a city of the third, fourth, or fifth class the board may remain in session twenty-five days.

The County Auditor shall act as Clerk of the Board of Supervisors. It shall be the duty of the said Auditor to prepare and deliver to the Sheriff a list of the names of all persons whose property has been raised by the Board of Supervisors and the amount thereof.

The County Auditor as Clerk of the Board of Supervisors shall keep an accurate journal or record of the proceedings and orders of the board and shall correct the tax books in accordance with the action of the board.

It shall be the duty of the said Auditor to prepare in duplicate on printed or written forms, and delivered to the Sheriff notice for each taxpayer whose property has been raised or assessed by the board, showing the amount of raise or assessment, and the date when the board will convene for the purpose of hearing complaints of taxpayers concerning the action of the Board in raising or assessing property.

These notices when returned by the Sheriff shall be filed in the office of the County Auditor.

Whenever it shall appear to the Board of Supervisors that stocks, bonds, notes or other intangible personal property has been omitted from the assessment by the County Auditor it shall be the duty of the board to assess all such property at its fair market value, the market quotations as of assessing date to be used as a basis of assessment when available.

When the board shall make assessment of intangible property it shall be the duty of the County Auditor to make complete lists of such property of each taxpayer so assessed, upon regular intangible personal property schedule, and after transferring the assessed value to the tax books to forward the schedule to the State Tax Commission within ten days after adjournment of the board.

Failure or omission on the part of the County Auditor to perform any duty imposed upon him under Section 4121-2, 4121-3, or 4122 of this Act shall subject him to a fine of not less than ten dollars ($10.00) or more than twenty-five dollars ($25.00) for each offense, to be recovered by indictment, information, or penal action, and each such failure or omission shall be deemed a separate offense.

The Board of Supervisors shall keep a record of their proceedings and correct the County Auditor's books thereby. They shall annex their certificate to the books that they have examined and approved the same and the number of days they were actually engaged and return same together with the record of their proceedings to the County Auditor on or before the second Monday in April.

The County Auditor shall certify to the County Clerk the approval of the tax books, and the County Court shall enter the fact of record; also the amount due to Supervisors for their services on a presentation of a copy of the order the Auditor of Public Accounts shall draw his warrant on the Treasurer in favor of the members of the Board of Supervisors for their services.

The members of the Board of Supervisors shall be al-

lowed three dollars ($3.00) per day for each day of actual attendance of the meeting of the board to be paid one-half out of the county levy and the other out of the State Treasury.

The County Auditor shall, after examination and approval of the tax books by the Board of Supervisors, make and record a recapitulation of the tax books as revised by the board in the same manner as provided by Chapter 114 of the Acts of the General Assembly of 1922.

On or before the fifteenth day of April the County Auditor shall file with the State Tax Commissioner a certified copy of the said recapitulation.

The County Auditor shall collect all State, county and district taxes.

The County Court may require the County Auditor to give an additional bond or bonds, with good surety, to be approved by the County Court whenever it may deem the interest of the State, or county demands; and the sureties on all the bonds executed by the Auditor shall be jointly and severally liable for any default of the Auditor during the term in which said bond may be executed, whether the liability accrues before or after the execution of such bond or bonds.

The outgoing County Auditor as soon as his successor has been qualified and his bond approved, shall immediately vacate his office, deliver to his successor all books, papers, records and other property held by virtue of his office and shall make a full and complete settlement of his accounts, as Auditor. Except that the outgoing Auditor shall keep in his possession all unpaid tax bills and shall collect and account for same as provided by law, and shall have until the first day of May after his term of office has expired to make his settlement with the Auditor of Public Accounts and the Fiscal Court of his county and to receive his quietus, and immediately thereafter he shall deliver these records to his successor.

On the failure of any outgoing County Auditor within ten days to comply with the provision of this section he shall be deemed guilty of a misdemeanor and, on conviction, be fined in a sum not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00) and be liable on his bond for any default.

The County Auditor shall keep his office open for the collection of money which he may be entitled to receive, at all reasonable times, except on Sunday and legal holidays; and when any money is paid him, he shall immediately enter the same upon his record books and give to the person paying it a receipt therefor, specifying therein the amount and on what account the same was paid, and when paying any money he shall take a similar receipt. He shall retain the amount of tax and other public dues against any person or corporation out of any claim allowed by the Commonwealth or the Fiscal Court to such person, except claims allowed for attendance as a witness, notwithstanding any assignment of same.

No fees or compensation except the salaries set out herein shall be allowed the County Auditor or his deputies for their services in or pertaining to the assessment of property, collection of taxes and disbursement of county funds.

The County Auditor shall keep his office at the county seat of the county and the Fiscal Court shall provide him with a room or rooms for an office with a vault or a place of safety in which to keep the records of his office. He shall keep an accurate account of all moneys received by him, showing the amount thereof, the time when and from whom received and on what account; also of all the disbursements made by him, the amount thereof, to whom paid, time of payment and on what account, and he will so arrange and keep his books that the amounts received and paid on accounts of separate and distinct or specific appropriations shall be exhibited in separate and distinct accounts. He shall balance his books at the end of each day so as to show the correct

amount on hand belonging to each fund and notify the County Judge in writing when any of the said funds or accounts have been exhausted.

In all cases where only a portion of the tax is collected on State, county, or district tax the amount recovered shall be by the Auditor or collector, apportioned between the State, county or district in the same proportion the amount due to each bears to the amount recovered.

It shall be the duty of the County Auditor of each county upon blanks furnished to him by the State Tax Commission, in making the assessment for the county to show on each assessment the property subject to taxation under provisions of this Act, and to certify to the County Superintendent the total assessed valuation of property in the county subject to taxation under the provision of this Act. Upon receipt of such certification from the County Auditor, it shall be the duty of the County Board of Education each year to prepare, subject to the rules and regulation of the State Board of Education and on and with the advice of the County Superintendent, an itemized detailed school budget showing the amount of money needed for supplementary, teachers' salaries, for permanent improvement, repairs, furniture, old buildings, maintenance and support of the schools during the succeeding school year and also the estimated total amount that will be received from the State and the amount that will be needed to be raised by local taxation, including the rate of levy necessary to raise such amount which in no event shall be less than twenty-five cents (.25) nor more than seventy-five cents (.75) on each one hundred dollars ($100.00) worth of taxable property in the territory affected by this Act. This annual school budget shall be submitted in writing to the County Clerk not less than ten days before the usual day for making the county levy and it shall be the duty of the County Clerk to present it to the Fiscal Court when it convenes to make the annual county levy.

At the same time that the Fiscal Court makes the ad

valorem levy demanded by the County Board of Education, it shall also impose upon all male voters residing in the territory affected by such ad valorum tax a capitation tax not exceeding one dollar ($1.00) each. It shall be the duty of the County Auditor of the county in the same manner and at the same time he collects other State tax and county revenue to collect the tax imposed under the provisions of this Act. The County Auditor after deducting one-third the salary of himself and deputies shall deposit this tax in the county depository to the credit of the County Board of Education. The Fiscal Court shall annually make a settlement with the County Auditor for the tax collected under the provision of this Act in the same manner as is now provided for by law for the settlement of county taxes and a copy of such settlement must be filed with the County Board of Education.

All laws, or parts of laws, in conflict with the provisions of this Act, to the extent of such conflict, are hereby repealed.

The provisions of this Act are severable, and if any of the provisions herein contained or any penalty provided for under this Act be held unconstitutional, such provisions or that particular penalty held to be invalid may be rejected without affecting the remainder of the Act or such part of the penalties as are not held to be invalid, and the decisions of the courts shall not affect or impair the remaining provisions of this Act or any of the other penalties anywhere in this Act provided. It is hereby declared as a legislative intent that this Act would have been adopted had not such unconstitutional provision or such invalid penalties been included therein.

A message was received from the House of Representatives announcing that they had passed bills and resolutions of the following titles:

H. B. 582. An Act to regulate the license of animals for public service.

Said bill was referred to the Committee on Rules.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That no one shall be allowed to license and stand for public service any bull or boar except of pure breeding. Proof of this breeding must be established by the owner by showing certificates of registration in one of the herd books of one of the known breeds or by a sworn affidavit that the animal to be licensed is pure bred and that the ancestry of such pure bred animal has been registered or was eligible to registration in the records of one of the known breeds. In the case of the establishment of a new breed shall have been pure bred for at least six generations.

All laws and parts of laws in conflict with this Act are hereby repealed.

This Act shall take effect and be in force on and after January 1, 1933.

H. B. 257. An Act to amend and re-enact Section 1599a-8a, Subsection 2 of the Kentucky Statutes, compiled by the Honorable John D. Carroll.

Said bill was referred to the Committee on Rules.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That Section 1599a-8a, Subsection 2 of the Kentucky Statutes, compiled by the Honorable John D. Carroll, be amended and re-enacted, so that said section as amended and re-enacted shall read as follows:

Section 1599a-8a, Subsection 2. At least one member of

every firm and the manager of every corporation engaged in the business of undertaking shall be a duly licensed and registered undertaker; and where any individual, firm, or corporation shall establish and conduct branch establishments for undertaking, each and every branch establishment shall be in charge of a duly registered and licensed undertaker at all times.

No assistant, nor member of such firm, nor member of such corporation shall engage in the care, preparation, disposal, or burial of dead human bodies, or in the management of funerals, or shall discharge any of the duties of an undertaker, unless he shall be a duly registered and licensed undertaker under the laws of this State, provided, however, that nothing herein shall be construed so as to prevent a non-licensed person from performing any of the acts herein in the presence of and under the immediate supervision of a licensed undertaker, licensed and registered as such under the laws of this Commonwealth.

H. B. 601. An Act to authorize the Sewer Commission of any city of the first class to sell bonds under par.

Said bill was referred to the Committee on Rules.

Said bill reads as follows:

Whereas, because of the unusual economic conditions, the municipal bond market is so depressed that no city within the Commonwealth is able to sell at par any bonds which were authorized at the regular election in 1928 for projecting, constructing, and establishing a system or systems of sewers, where the maximum interest rate of such bonds as so voted is five per centum per annum or less; and

Whereas, because of the same unusual economic conditions, the costs of labor, supplies, and materials required for constructing sewer systems have at all times since July 1, 1930, been at least fifteen per cent less than such costs at the

time of said election, and every city which made contracts therefor since July 1, 1930, has thereby effected savings of at least fifteen per cent of the costs which the voters at such election had in contemplation for the work so contracted; and,

Whereas, by reason of the foregoing, if, in order to provide money to pay contracts which have been made since July 1, 1930, for such sewer construction, bonds so authorized and bearing interest at four and one-half per centum per annum or more and maturing not more than forty years from their date as required by the Constitution of the Commonwealth, shall be sold at a price not less than a price which represents a net interest yield of five and three-eighths per centum per annum, computed in accordance with standard tables of bond values, the amount of the discount on such sale will be less than the savings on such contracts and therefore the completion of the improvements contemplated by the ordinance submitting the question of issuing such bonds to the voters will not be prejudiced by such sale, and neither the amount of bonds necessary for such improvements nor the tax provided by such ordinance to pay such bonds will be increased; and,

Whereas, no election to change the interest rate of such bonds or to authorize other bonds can be lawfully held, under the Constitution of the Commonwealth, before the regular election of November 8, 1932, and

Whereas, a city of the first class will be compelled to default on or before April 1, 1932, in payment of existing contracts for sewer construction, causing loss of its credit and the serious embarrassment of those contracting with such city in good faith, as well as impairing the ability of such city to make favorable contracts for further sewer construction, unless such city is enabled to sell such bonds under par;

Now therefore

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the sewer commission of any city of the first class is hereby empowered to sell at any price not less than a price which represents a net interest yield of five and three-eighths per centum per annum, computed in accordance with standard tables of bond values, such an amount of bonds voted at the regular election in 1928 for projecting, constructing and establishing a system or systems of sewers, and which bear interest at the maximum rate authorized by said election if not less than four and one-half per centum per annum, as may be necessary, with available bond proceeds then on hand, to provide money for the payment of contracts for sewer construction made since July 1, 1930, and prior to the passage of this Act; provided, however, that there may be reserved from such bond proceeds then on hand such amount as may be deemed necessary for other lawful disbursements of the sewer commission until the convening of the next regular session of the General Assembly.

§ 2. An emergency being declared to exist, for reasons set forth in the preambles hereof, and because the public peace, health, safety and credit will be impaired unless this Act shall take effect immediately, this Act shall take effect immediately from and after its passage and approval by the Governor as provided by law.

H. B. 494. An Act to amend and re-enact Section 1290a-13, Kentucky Statutes, relating to a license fee for boxing, wrestling or athletic exhibitions so that after amended and re-enacted, that the same shall read as follows:

Said bill was referred to the Committee on Rules.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. The license fee shall be $500.00 annually and shall be payable to the Board and shall be used by said Board in

liquidating the expenses of the Board, together with any other funds as may come into the hands of the Board under the provisions of this Act, except that the Board may issue a license free of charge to any organization of a patriotic nature or character, where said exhibitions may be held at the meeting place of such patriotic organization and where said exhibitions are not held for the purpose of a private or personal gain, and where all funds derived from said exhibitions go to the credit of such patriotic organizations. After the necessary expenses have been paid, which shall not exceed five thousand ($5,000.00) dollars per annum, the funds remaining in the hands of said Board shall be turned over to the State Treasurer and credited to the School Fund.

§ 2. All other Acts or parts of Acts in conflict with this Act are hereby repealed.

H. Res. 20. Resolution authorizing E. G. Barrass to sue the Commonwealth of Kentucky and the State Highway Commission of Kentucky.

Said resolution was referred to the Committee on Rules.

Said resolution reads as follows:

Whereas, the State Highway Commission of Kentucky constructed a public highway on Project No. 11, in Ohio County, Kentucky, which work was begun in May, 1915, and completed during said year, and whereas said grade and drain of said road was constructed by Ellis & Smeathers, contractors, employed by the State Highway Commission of the Commonwealth of Kentucky, and whereas said contractors acting pursuant to their contract with the State Highway Commission of Kentucky, removed from the old embankment four hundred and ten (410 feet of opening and only put in one hundred and thirty feet (130) in the road as constructed, and whereas said grade and drain was so negligently and carelessly constructed and maintained as not to have a sufficient amount of openings in levee thereby causing the

water accumulating on the north side of the levee to run through these small openings with such force as to injure and damage the lands owned by E. G. Barrass on the south side of said levee and adjacent to it, and whereas by reason of said negligent construction and maintenance the lands owned by E. G. Barrass on the south side of said road and adjacent to it were greatly injured and damaged by the waters concentrating in these small openings with such force as to wash and damage the lands owned by E. G. Barrass over which it was forced to go, thereby changing the natural course of the water and not giving sufficient openings for the water to pass through the levee without injury to the lands on the south side of said levee, and whereas the lands owned by E. G. Barrass have been greatly damaged by the negligent construction and maintenance of said road, rendering his farm practically worthless, and whereas the said E. G. Barrass alleges and claims that said damage and injury to his lands was caused entirely by the negligence and carelessness of the State Highway Commission, its agents and employees in the construction and maintenance of said road, and

Whereas, if the said injury and damage to said lands was caused by the negligence and carelessness of the State Highway Commission, its agents and employees, the said E. G. Barrass should be compensated for his damage and injury to his lands; therefore,

*Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

That E. G. Barrass be and he is hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Commission of Kentucky, in the Ohio Circuit Court for such damage as he may have sustained, if any, by reason of any injury or damage to his lands through the carelessness or negligence of the State Highway Commission of Kentucky, its agents or employees, and in the event any judgment is recovered by the said Barrass in said suit for damage to his lands, same shall be paid by the Auditor by warrant on the Treasurer.

Either party to said suit may appeal from any judgment which may be rendered in the Ohio Circuit Court to the Court of Appeals, and the case may be settled and adjusted with the consent of the Attorney General of Kentucky in the same way as any other civil case.

S. Res. 2. Resolution for the relief of C. M. Greene, for mileage and expenses by him as agent for the Commonwealth of Kentucky.

S. B. 202. An Act relating to Game and Fish Commission, amending and re-enacting Sections 1 and 2 of Chapter 53, and repealing Section 3 of Chapter 53, of the Acts of the General Assembly of 1930.

S. B. 220. An Act granting members of Fraternal Benefit Societies the right to designate certain beneficiaries to receive the payment of death benefits; exempting certain societies from the provisions of the Act; and amending Sections 681c-6 and 681c-29 of Carroll's Kentucky Statutes; and repealing said sections and all laws and parts of laws in conflict therewith.

## COMMITTEE REPORTS

Senator Allie W. Young of the Committee on Rules, to which had been referred bills of the following titles:

S. B. 470. An Act to repeal and re-enact Section 418a, Carroll's Kentucky Statutes, 1930 Edition, relating to redistricting the State of Kentucky into nine Congressional Districts, in pursuance to the 1930 Federal Re-apportionment Act.

S. B. 471. An Act abolishing the office of County Treasurer and repealing and re-enacting Section 8928, Carroll's Kentucky Statutes, 1930 Edition.

S. B. 472. An Act abolishing the office of County Jailor and fixing certain additional duties for the County Sheriffs

and providing for an office for the said Sheriffs, defining his duties and fixing his salary and the salary of his deputies and to repeal and re-enact the following sections of Carroll's Kentucky Statutes, 1930 Edition, 1726, 4122, 4168, 4399a-8, 4557, 4560.

S. B. 473. An Act dealing with revenue and taxation and creating the office of County Auditor, fixing his duties and salary, providing for bond to be executed, fixing the manner of election and term of offices of the County Auditor and deputies and abolishing the office of County Assessor and repealing and re-enacting the following sections of Carroll's Kentucky Statutes, 1930 Edition.

S. B. 474. An Act providing for a State School Fund.

H. B. 582. An Act to regulate the license of animals for public service.

H. B. 257. An Act to amend and re-enact Section 1599a-82, Subsection 2 of the Kentucky Statutes, compiled by the Hon. John D. Carroll.

H. B. 601. An Act to authorize the Sewer Commission of any city of the first class to sell bonds under par.

H. B. 494. An Act to amend and re-enact Section 1290a-13, Kentucky Statutes, relating to a license fee for boxing, wrestling or athletic exhibitions so that after amended and re-enacted that the same shall read as follows:

H. Res. 20. Resolution authorizing E. G. Barrass to sue the Commonwealth of Kentucky and the State Highway Commission of Kentucky.

Reported said bills with expression of opinion that same ought to pass.

Said bills and resolutions were ordered to be read at length and placed on the calendar.

Senator Allie W. Young moved that the Senate recess until 1:30 o'clock P. M.

Said motion was agreed to.

The Senate reconvened at 1:30 o'clock P. M.

Senator Moore moved that the privileges of the floor be extended to Hon. W. Vernon Richardson.

Said motion was agreed to.

Senator Yates moved that the privileges of the floor be extended to Messrs. Joe and Jack Richardson of Glasgow.

Said motion was agreed to.

Senator Stephenson moved that the privileges of the floor be extended to Mr. J. A. McCown, Mr. Ed. Wells and Mr. J. C. Williamson of Pikeville.

Said motion was agreed to.

## CALENDAR

Senator Gates F. Young moved that the second reading of bills and resolutions at length be dispensed with and that they be read by their titles only.

Said motion was agreed to by a majority of members elected.

It was ordered that the bills and resolutions be read by their titles only.

Said titles to bills are as follows:

S. B. 464. An Act to further regulate motor vehicles for the carriage of passengers for hire, not operating under certificates of public convenience and necessity, and to increase the powers of the State Tax Commission in respect thereof.

S. B. 465. An Act relating to motor vehicles and to repeal an Act approved March 5, 1926, being Chapter 122, Acts of 1926, and being Sections 2739j-1, to 2739j-40, both inclusive, Kentucky Statutes, as amended by Chapter 75, Acts of 1930, and to repeal Chapter 78, Acts of 1930.

S. B. 466. An Act to establish as a part of the primary road system of roads a road beginning at Greenville, Ky., and extending to Belton, Ky.

S. B. 467. An Act to establish as a part of the primary system of state highways a road from Frenchburg, Menifee County, Kentucky, via of Valeria, Campton, Flat Post Office in Wolfe County, Kentucky, to Beattyville in Lee County, Kentucky.

S. B. 468. An Act to establish as a part of the primary system of state highways a road from and intersecting with the Beattyville-Frenchburg road at Vortex, Wolfe County, Kentucky, via Hollensville to Wilhurst in Breathitt County, Kentucky.

S. B. 469. An Act to establish as a part of the primary system of state highways a road from Hazel Green, Wolfe County, Kentucky, via Maytown Post Office to Valeria, Wolfe County.

H. B. 24. An Act fixing the fiscal year of cities of the fourth, fifth and sixth class.

H. B. 605. An Act to amend and re-enact Sections 1, 2 and 19 of an Act entitled, "An Act to authorize cities of the second, third and fourth class, to acquire water works and to issue bonds, therefor, payable from the revenues of such works," being Chapter 133 of the Acts of the General Assembly of 1926, so as to extend the provisions thereof to include the acquisition of sewerage systems within said cities.

H. B. 547. An Act submitting to the qualified voters of

third and fourth class cities contracts for utility service for a period of more than two years.

H. B. 586. An Act to amend Sections 7 and 18 of an Act entitled, "An Act to provide an elective system of workmen's compensation for industrial accidents" and known as Chapter 33 of the Acts of the General Assembly of the Commonwealth of Kentucky for the year 1916 and subsequent amendments thereto, said sections as amended and to be amended being known as Sections 4887 and 4899 of Carroll's Kentucky Statutes, Sixth Edition, 1922.

H. B. 765. An Act to repeal and re-enact Section 4526b-5, Kentucky Statutes, Carroll's 1930 Edition, relating to high school pupils attending the high school that is most convenient to them and providing for the payment of tuition therefor, so that said section, when repealed and re-enacted, shall read:

H. Res. 13. A resolution authorizing S. M. Green to sue the Commonwealth of Kentucky and the State Highway Commission of Kentucky or either of them.

H. Res. 41. A resolution authorizing the treasurer of Kentucky to pay Leila L. Wilhoit for stenographic work performed for the State of Kentucky.

It was ordered that said bills and resolutions be read by titles only and placed in the Orders of the Day.

Senator Moss moved that the privileges of the floor be extended to Mr. Geo. E. Smith of Lexington, Judge Murrell of Louisville and Prof. Bradner.

Said motion was agreed to.

Senator Van Hoose moved that the privileges of the floor be extended to Miss Mada Winters, Miss Louise Griffin, Miss Josephine Ogdon and Miss Margaret Hallman of Ashland, and Mr. Burnace Deaton.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill of the following title:

H. B. 149. An Act to authorize cities of the second, fourth, fifth and sixth classes to acquire and own, improve and extend, plants or works necessary for furnishing gas, and for electricity for power, light and heat, and to issue bonds therefor, payable from the revenues of such plants or works.

Said motion was agreed to.

Senator Rogers moved that said bill be recommitted to the Committee on Rules.

The question being taken thereon, was decided in the affirmative.

The Senate took up for consideration from the Orders of the Day a bill of the following title:

S. B. 376. An Act to repeal Chapter 150 of the Acts of the General Assembly of the Commonwealth of Kentucky of 1930, approved by the Governor March 15, 1930, relating to the transfer of tax claims.

Senator Moore moved that said bill be recommitted to the Committee on Rules.

The question being taken thereon, was decided in the affirmative.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. B. 36. An Act relating to the licensing of the business or occupation of contracting painting or decorating, in cities

of the first and second class and requiring such contracting painter or decorator to obtain permits from said city and making it the duty of said city to issue permits before doing any painting or decorating and providing penalties for the violating of said act.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§1. It shall be unlawful for any person to engage in, carry on or conduct the business of contracting painter or decorator in cities of first and second class of the Commonwealth of Kentucky without first having obtained a license to do so. The term "person" for the purpose of this act shall be construed to mean any individual, firm, association or corporation. Any person engaged in the business of painting or decorating for a total fixed amount of compensation shall be considered to be a painter or decorator within the meaning of this act.

§ 2. Every person desiring to secure such license shall make application to the city in which he proposes to operate for a license, on blank forms to be supplied by said city. Such application shall state the name, business and residence address of the applicant, and if the applicant is a firm, association or corporation the names of its officers and their residences and the name of the person who will be in charge of his business, and the name under which the business is to be conducted in said cities.

§ 3. The annual license tax for persons engaged in carrying on or conducting the business of contracting painter or decorator shall be $50.00 to said city in which the said person proposes to do business.

§ 4. This act shall not apply to the United States Government, State, County, School District, City or their agencies

or to any individual personally painting or decorating their own property, or to any person or persons that employ maintenance men by the year to perform painting or decorating on their own industrial property, or to any person or persons that employ men to perform painting or decorating in factories or shops.

§ 5. Any person violating or refusing to comply with any provision of this act, shall be guilty of a misdemeanor and upon conviction, shall be punished by a fine of not less than $10.00 nor more than $100.00, or by imprisonment in the county jail for a term not exceeding 30 days, or by both fine and imprisonment, and each day during said violation or refusal shall continue, shall constitute a separate and distinct offense.

§ 6. It shall be the duty of each contracting painter or decorator to first obtain a permit from the city to do any painting or decorating, and it shall be the duty of said city to issue such permits.

§ 7. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Ordered that said bill be read the third time.

Senator Rogers moved that the third reading of said bill at length being dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| W. W. Booles | Wm. Isaacs | O. M. Rogers |
| H. M. Brock | Alex E. Johnson | J. M. Rose |
| Dr. T. J. Edge | Frank I. Lloyd | R. H. Royster |
| Walter N. Flippin | C.T.McCormick,Sr. | Dr. Lewis Ryans |
| Chas. G. Franklin | Wm. Mehler | E. D. Stephenson |
| Perry B. Gaines | E. C. Moore | F. M. White |
| J. S. W. Holloway | Ray B. Moss | W. A. Yates |
| Robert Humphreys | Dr. G. W. Ragan | Gates F. Young |

—24

Those who voted in the negative were:

L. C. Littrell Joe Stewart —2

Resolved that the title thereof be as aforesaid.

Senator Rogers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. B. 460. An Act to amend and re-enact Section 1549A-1, Article 12, Carroll's Kentucky Statutes, 1930 Edition, by adding after the words "United States Senators" at the end of said section the words "and members of the House of Representatives of the National Congress," so that when said section is amended and re-enacted it shall read as follows:

The Committee on Rules proposed the following amendment to said bill: Amend Senate Bill 460 by adding the words "When such members are to be elected from the state at large," after the word "Congress" in the last line of said bill.

Senator Franklin moved that said amendment be adopted.

The question being taken thereon, was decided in the affirmative.

Said amendment was adopted.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the governing authority of any political party in this state having a constituted authority by its government and regulation, and which at the last preceding election at which presidential electors were voted for cast at least twenty (20) per cent of the total vote cast at said election in this state, shall have the power to prescribe the manner and method of nominating its candidates for the offices of Governor, Lieutenant Governor, Secretary of State, Attorney General, Auditor of Public Accounts, State Treasurer, Commissioner of Agriculture, Labor and Statistics, Supt. of Public Instruction, Clerk of Court of Appeals, United States Senators and members of House of Representatives of the National Congress.

Ordered that said bill be read the third time.

Senator Franklin moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said

bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Wm. Isaacs | Dr. G. W. Ragan |
| W. W. Booles | Silas Jacobs | O. M. Rogers |
| H. M. Brock | L. C. Littrell | R. H. Royster |
| Edwin C. Dawson | Rev. C. D. McCaw | E. D. Stephenson |
| Dr. T. J. Edge | C.T.McCormick,Sr. | F. M. White |
| Walter N. Flippin | E. C. Moore | Sewell B. Williams |
| Chas. G. Franklin | Ray B. Moss | Allie W. Young |
| J. S. W. Holloway | Marion F. Pogue | —23 |

Those who voted in the negative were:

Robert Humphreys —1

The Committee proposed the following amendment to the title of said bill:

Amend the title to Senate Bill 460 by inserting the words "When such members are to be elected from the state at large" immediately following the word "Congress" in said title.

Senator Franklin moved that said amendment to the title be adopted.

The question being taken thereon, was decided in the affirmative.

Said title was amended.

Senator Franklin moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of

the Day a bill which originated in the House of Representatives of the following title:

H. B. 285. An Act concerning the paying out of money of this Commonwealth for salaries, board bills, traveling expenses and any and all other expenses incident to the performance of any duty of each and every officer, agent, appointee and employee of this Commonwealth, and requiring reports to be made each month by the heads of departments, commissioners, chairmen of boards and all other persons authorized by law to approve accounts of subordinates for traveling expenses, board bills, salaries and all other expenses before the payment of same, and prohibiting the expenditure of any monies of this Commonwealth for purposes other than those expressly authorized by law of this Commonwealth; providing for the liability on the bonds of the officers whose duty it is to fix and pay salaries or expense accounts, and prescribing the punishment for a violation of the provisions of this act.

Senator Stephenson proposed the following amendment to said bill:

Amend House Bill 285 in the Senate by adding after the word "misdemeanor" in line 4 of Section 3 the following: "and subject to indictment in the Franklin Circuit Court, and upon conviction be" and to strike out the word "and" between the words "misdemeanor" and "fined."

Senator Stephenson moved that said amendment be adopted.

The question being taken thereon, was decided in the affirmative.

Said amendment was adopted.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. It shall be the duty of the Auditor, Secretary of State, Treasurer, Attorney General, Superintendent of Public Instruction, of this Commonwealth, the Chairman of the State Road Commission, the Chairman of the State Board of Health, the Chairman of the State Board of Charities and Corrections, Superintendents of the Feeble Minded Institutions and State Asylums, Wardens of the State Penitentiaries, Superintendent of the Institution for the Blind and School of Reform, State Inspector and Examiner, State Geologist and all other officers, whose duty it is or may be to fix or approve salaries or expense accounts of himself or any other person in the employment of the Commonwealth of Kentucky to make, itemize, verify and file with the Auditor of Public Accounts of Kentucky and copy thereof with the State Inspector and Examiner on or before the 10th day of each and every month a complete report of all salaries, expense accounts, board bills, traveling expenses, the names of the persons to whom the salary is paid, the amount paid, the names of the person expending the money, the purpose for which it is expended and the date thereof and the service shall be described for which the salary was paid. Such report shall cover the preceding month before the filing of the report on the 10th day of the month. Provided, however, that the Superintendents of the Feeble Minded Institute, of the Hospital for the Insane, of the School of Reform, of the Reformatory and the Warden of the Penitentiary may file the monthly statement required by this act with the State Board of Charities and Corrections, which Board shall transmit the same to the State Inspector and Examiner.

§ 2. It shall be unlawful for any state official, agent, appointee, employee of this Commonwealth to expend or use any money belonging to this Commonwealth for his personal use or for any purpose not expressly authorized by law, and any person so using the same shall be guilty of converting trust funds to his own use, and shall be punished therefor as now provided by law for such offense.

§ 3. It shall be unlawful for any officer to pay to any person any sum under the disguise of payment of salary or to pay a salary to himself or another person a salary for services not actually rendered, and any person thus offending shall be guilty of a misdemeanor and fined for such offense not less than $50.00 nor more than $1,000.00, or imprisonment not less than three months nor more than twelve months or both so fined and imprisoned, in the discretion of the court or jury.

§ 4. Any officer of this Commonwealth authorizing or causing any person to be paid any money in violation of this act shall be liable therefor to the Commonwealth of Kentucky on his bond as such officer to the Commonwealth of Kentucky. And an action may be instituted in the Franklin Circuit Court on such bond to recover the same.

Whereas, it is manifest and common knowledge immense sums of money gathered from the taxpayers have been wasted without the Commonwealth deriving any benefit therefrom, an emergency is hereby declared, and this act shall take effect on and after its passage and approval.

Ordered that said bill be read the third time.

Senator Gaines moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Wm. Isaacs | Dr. G. W. Ragan |
| W. W. Booles | Silas Jacobs | O. M. Rogers |
| H. M. Brock | L. C. Littrell | R. H. Royster |
| Edwin C. Dawson | Frank I. Lloyd | Dr. Lewis Ryans |
| Walter N. Flippin | Rev. C. D. McCaw | E. D. Stephenson |
| Chas. G. Franklin | C.T.McCormick,Sr. | Fred C. VanHoose |
| Perry B. Gaines | Wm. Mehler | F. M. White |
| Arch Hamilton | E. C. Moore | Sewell B. Williams |
| J. S. W. Holloway | Ray B. Moss | Allie W. Young |
| Robert Humphreys | D. C. Naive | —29 |

Resolved that the title thereof be as aforesaid.

Senator Gaines moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. B. 384. An Act to amend and re-enact Section one thousand and ninety-three of the Kentucky Statutes, Carroll's 1930 Edition, being an Act defining and prescribing the jurisdiction of justices and quarterly courts and the judges of police courts in cities of the first, second, third, fourth, fifth and sixth class in this Commonwealth in penal and misdemeanor cases.

Senator Holloway proposed the following substitute for Senate Bill 384 by way of an amendment thereto.

Sub. S. B. 384. An Act to amend and re-enact Section one thousand and ninety-three of Carroll's Kentucky Statutes, Baldwin's 1930 Edition, being an Act defining and prescribihg the jurisdiction of justice, quarterly and police courts in

cities of the first, second, third, fourth, fifth and sixth class in this Commonwealth in penal and misdemeanor cases.

Senator Holloway moved the adoption of said amendment.

The question being taken thereon, was decided in the affrmative and

Said amendment was adopted.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That Section one thousand and ninety-three of the Kentucky Statutes (Carroll's 1930 Edition) be repealed and re-enacted so that same, when thus re-enacted, shall read as follows:

That justices and quarterly courts and the judges thereof, and police courts in cities of the first, second, third, fourth, fifth and sixth class of this Commonwealth and the judges thereof, shall have jurisdiction exclusive of Circuit Courts in all penal and misdemeanor cases, the punishment of which is limited to a fine of not exceeding twenty dollars, and jurisdiction concurrent with Circuit Courts of all penal cases and misdemeanor cases, the punishment of which is limited to a fine of not exceeding five hundred dollars, or imprisonment not exceeding twelve months, or both; but said courts shall also have and exercise the same jurisdiction in the enforcement of city ordinances that is now given to them by law.

On account of the fact that a great expense is now placed upon the counties of this Commonwealth by reason of the fact of many persons charged with petit larceny and other offenses, of which the lower courts did not have jurisdiction before this act, being confined in jail awaiting the action of grand

juries, which in many counties do not meet for several months, an emergency is hereby declared to exist, and this act shall become effective immediately on its passage and approval by the Governor.

All acts or parts of acts inconsistent herewith are hereby repealed.

Ordered that said bill be read the third time.

Senator Holloway moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Frank I. Lloyd | O. M. Rogers |
| W. W. Booles | Rev. C. D. McCaw | J. M. Rose |
| H. M. Brock | C.T.McCormick,Sr. | R. H. Royster |
| Edwin C. Dawson | Wm. Mehler | Dr. Lewis Ryans |
| Chas. G. Franklin | E. C. Moore | E. D. Stephenson |
| J. S. W. Holloway | Ray B. Moss | Joe Stewart |
| Silas Jacobs | D. C. Naive | Fred C. VanHoose |
| L. C. Littrell | Dr. G. W. Ragan | Allie W. Young |

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Those who voted in the negative were:

Walter N. Flippin F. M. White —2

Resolved that the title thereof be as aforesaid.

Senator Holloway moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the House of the following title:

H. B. 533. An Act to repeal and re-enact Chapter 4 of the Acts of the General Assembly of 1930, and Section 2380b-43, Kentucky Statutes, 1930 Edition, relating to the maintenance of public ditches.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Chapter 4 of the Acts of the General Assembly of 1930 be and the same is hereby repealed and re-enacted, and as thus re-enacted shall read as follows:

Except as herein otherwise provided, all improvements, established or constructed under the provisions of this act, as well as all public ditches or drains established or constructed under pre-existing laws, shall be under the control and supervision of the drainage commissioner of the county having jurisdiction of the proceedings ordering the establishment and construction thereof. It shall be the duty of said drainage commissioner to keep all such levees, ditches, drains or like public improvements under his charge, open, free from obstruction and in good repair. To accomplish that end, the said board of drainage commissioners is hereby authorized and empowered to employ men and teams, and to lease, rent, hire or purchase machinery, and employ men to operate same.

For the purpose of providing funds to pay the compensation herein provided to the drainage commissioner, his agents, servants and employees, outside of that portion of same which shall be provided for and paid out of the original assessment on any drainage district, as well as to pay the cost and expense of repairing, keeping open and looking after the various public drains, ditches and like improvements under the charge of said commissioner, the lands in each drainage district, which may be established under this act, as well as the lands assessed for each public ditch or system of drainage established under pre-existing laws, shall be and the same are hereby authorized to be assessed, in proportion to the original assessment made against them for the original establishment and construction of such system of drainage.

Provided that where a drainage district has been established diverting the course of the water, the drainage commissioner may in his discretion in order to relieve lands taxed and from which water has been diverted, use funds of the district in maintaining the original water course.

Provided, however, that no assessment for such purpose in any one year shall exceed the following amounts to-wit: In counties where there are seventy-five (75) or more drainage districts, having a cost construction of one million dollars ($1,000,000) or more, ten per centum (10%) of the original assessment against said land, and in all other counties not more than two per centum (2%) of the original assessment against said land, unless consent is first obtained in writing from the owners of two-thirds of the land affected, and in no event shall such assessment exceed ten per centum (10%) of the original assessment.

Provided, that no more than one assessment shall be made in any one year. Provided, further, that no assessment shall be made until the drainage commissioner shall prepare an assessment roll, in duplicate, giving therein the name of the owner or owners of the land to be affected, and the amount proposed to be assessed against each tract of land. Said as-

sessment roll and the duplicate thereof shall be signed by the drainage commissioner and his secretary, and the original thereof shall be kept on file in the office of the drainage commissioner and the duplicate, aforesaid, shall be filed with the collector of said tax. Assessments made pursuant hereto shall have the same force and effect as an original assessment and be collected in the same manner, shall be kept separate and deposited with the treasurer, who shall keep the accounts for each district or system separate, and all warrants drawn shall specify out of which account it shall be paid, and to which it shall be charged.

§ 2. Section 2380b-43, Kentucky Statutes, Carroll's 1930 Edition, be and the same is hereby repealed and re-enacted, so that said section, when so re-enacted shall read as follows:

To maintain and preserve the ditches, sewers, drains, levees, pumping stations, power plants, or other improvements made pursuant to this Act, and to strengthen, repair, and restore the same, when needed, and for the purpose of defraying the current expenses of the district, the board of drainage commissioners may upon the completion of said improvements, and on the first Monday of December in each year thereafter, levy an assessment upon each tract or parcel of land and other property within the district to be known as a "maintenance assessment." Said maintenance assessment shall be apportioned upon the basis of benefits assessed on account of original construction, shall not exceed ten per centum (10%) thereof in any one year, and shall be certified to the sheriff or collector of the revenue of each county in which lands of said district are situated in the same book, in like manner, and at the same time as the annual installment of assessment is certified, but in a separate column under the heading "maintenance assessment." Provided, however, that said assessment shall not in any one year exceed two per centum (2%) of the original cost of construction, unless consent be first obtained in writing from the owners of two-thirds of the lands affected thereby. Said sheriff or collector shall demand and collect the maintenance

assessment and make return thereof and shall receive the same compensation therefor and be liable for the same penalties for failure or neglect so to do as is provided herein for the annual installments of assessments. The "maintenance assessment" shall be due and payable at the same time each year that the other assessments of the district due that year are payable, shall bear the same penalties and shall be collected at the same time, and shall be enforced in the same manner.

§ 3. All laws and parts of laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

Senator Humphreys moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

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|---|---|---|
| Jas. H. Bondurant | J. S. W. Holloway | Wm. Mehler |
| W. W. Booles | Robert Humphreys | E. C. Moore |
| H. M. Brock | Wm. Isaacs | Ray B. Moss |
| Edwin C. Dawson | Silas Jacobs | D. C. Naive |
| Thos. C. Ferguson | Alex E. Johnson | Marion F. Pogue |
| Walter N. Flippin | L. C. Littrell | O. M. Rogers |
| Perry B. Gaines | Frank I. Lloyd | J. M. Rose |
| Arch Hamilton | C.T.McCormick,Sr. | R. H. Royster |

| | | |
|---|---|---|
| Dr. Lewis Ryans | Fred C. VanHoose | Sewell B. Williams |
| E. D. Stephenson | F. M. White | Allie W. Young |

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Resolved that the title thereof be as aforesaid.

Senator Humphreys moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

A message was received from the House of Representatives announcing they had passed bills of the following titles:

S. B. 181. An Act to establish as a part of the primary system of the highways of the Commonwealth of Kentucky a road beginning at Haywood, Barren County, Kentucky, by the way of Rocky Hill and Finney, Barren County, Kentucky, to Berry's Store, Warren County, Kentucky, thence to Hydro, Warren County, Kentucky, connecting with Road Project No. 80 in Warren County, Kentucky.

S. B. 197. An Act to establish as a part of the primary system of State highways a road from near mouth of Abner Fork of Beaver Creek to upper end of the town of Weeksberry in Floyd County.

S. B. 204. An Act establishing as a part of the primary system of State highways a road leading from Haddix in Breathitt County, Kentucky, to Chavies in Perry County, Kentucky.

S. B. 205. An Act establishing as part of the primary system of State highways, a road leading from Blanton Bridge on Route 15 in Breathitt County, Kentucky, via Taulbee Post Office and the mouth of Rock Lick Creek, up Rock Lick Creek and down Trent Creek to Lee City, in Wolfe County, Kentucky.

S. B. 206. An Act establishing as part of the primary system of State highways a road leading from the mouth of Quicksand Creek at the intersection of Highway Route 15 up Quicksand Creek to South Quicksand Creek; up Quicksand Creek so as to intersect with the Quicksand-Hindmand Road.

S. B. 207. An Act establishing as part of the primary system of State highways a road leading from the mouth of Meat Scaffold Creek on Quicksand Creek via Stevenson Post Office, Keck Post Office and so as to intersect Highway 15 at the mouth of Cope Fork of Frozen Creek.

S. B. 208. An Act establishing as part of the primary system of State highways, a road leading from a point at Wrigley, Kentucky, in the Sandy Hook-West Liberty Road via Flat Woods, Grassy Creek, Sellars, to the Cannel City-Hazel Green Road.

S. B. 225. An Act to amend and re-enact Chapter 260, page 580, of the Acts of the General Assembly of 1924, which is Project No. 126, of Section 4356t-5, of Baldwin's Kentucky Statute Service of Carroll's Kentucky Statutes, relating to roads and bridges and establishing a system of primary roads for the State of Kentucky and making provisions for the establishment, construction and maintenance of same.

S. B. 227. An Act to establish a primary road project to be known as Project No. —, to begin at Piqua in Robertson County, and extend to U. S. Highway No. 68, near its junction with State Project No. 61, in Nicholas County.

S. B. 229. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

S. B. 230. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

S. B. 231. An Act to establish as a part of the primary system of State highways a road from the Sandy Hook and Louisa road near the J. L. Hulett farm in Lawrence County to the Mayo Trail on George's Creek.

S. B. 232. An Act to be placed on the State primary system of roads a road from Livingston, the nearest and most practical route, to the Devoult School House on Skaggs Creek in Rockcastle County.

S. B. 233. An Act to add to the State primary system of roads a road from Highway No. 168 near James Bullock's residence at Maretburg to Bromo Post Office by J. D. Noe farm in Rockcastle County.

S. B. 234. An Act to be placed on the State road primary system a road from Niever-bend filling station to Red-Hill School House in Rockcastle County.

S. B. 235. An Act establishing a road project from corporation limits of Scottsville, Kentucky, along present travelled road by Gainsville, Meador, across Osborne Ford on Barren River, by Keperr, Warren County, intersecting Bowling Green and Glasgow Road at Kirby Farm.

S. B. 237. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

S. B. 239. An Act to add to the primary system of roads a road from Manchester Pike near Johnston School House to Burning Springs by Langnau Post Office, and Crawford Post Office, in Laurel County.

S. B. 240. An Act to add to the primary system of roads a road from Nelson's Store to Green Mount Post Office in Laurel County.

S. B. 247. An Act establishing as a part of the primary

system of State roads and highways, a road leading from G. D. James' Store in Edmonson County, via Houchin's Ferry and Ollie to Mammoth Cave.

S. B. 250. An Act establishing as a part of the primary system of State highways of the Commonwealth of Kentucky a road leading from Rocky Hill, in Edmonson County, to Merry Oaks, in Barren County.

S. B. 251. An Act to add to the State primary system of highways a road from Marion, Crittenden County, via Chapel Hill and View Vicinity to Francis, Crittenden County.

S. B. 259. An Act establishing as a part of the primary system of State highways of the Commonwealth of Kentucky a road beginning near Chalybeate and running thence via Chalybeate High School, Pine Grove Presbyterian Church, and Boiling Springs to a point on the Dixie Highway.

S. B. 262. An Act to add to the primary system of roads in Rockcastle County from the entrance of the Dughill Road into Highway No. 138 to Bishop's Store.

S. B. 263. An Act creating and establishing as part of the primary system of roads and highways, of the Commonwealth of Kentucky a road beginning at Tompkinsville, Monroe County, Kentucky, and leading to the Old Mulkey Meeting House State Park.

S. B. 267. An Act to establish as a part of the primary system of State highways a road beginning at the Glencoe, Kentucky, bridge on the Owen County side, thence to old Sparta in Owen County, Kentucky.

S. B. 280. An Act to establish a State primary road project from River Post Office in Johnson County down the Big Sandy River by way of Richardson, Kentucky, to the mouth of George's Creek, intersecting with the Mayo Trail.

S. B. 282. An Act to establish as a part of the primary system of State highways of the Commonwealth of Kentucky, a road from Catlettsburg, Kentucky, up Tug River to the State line between Kentucky and Virginia, and to be designated and known as the "Wallace J. Williamson Highway."

S. B. 285. An Act establishing as part of the primary system of State highways of the Commonwealth of Kentucky, a road from a point on the Pikeville-Williamson Highway, State Route 82, near the mouth of Blackberry Fork of Pond Creek in Pike County, to a point on the State line between Kentucky and Virginia on Knox Creek in said county.

S. B. 286. An Act establishing as part of the primary system of State highways a road beginning at a point on State Project No. — at the mouth of Turkey Creek in Pike County to a point on State Project 82 at or near the bridge at the mouth of road fork of Big Creek.

S. B. 288. An Act relating to roads and highways and establishing and creating a Road Project No. — extending from Lawton in Carter County to U. S. Road No. 60 at Hayes Crossing in Rowan County, as a State primary road.

S. B. 308. An Act establishing as a part of the primary system of State highways a road beginning at Elizabethtown, Kentucky, in Hardin County, and running thence via Bethlehem Academy, Blue Ball Church, Four Corners to Big Spring, intersecting the proposed Lincoln Highway at Big Spring in Hardin County, Kentucky.

S. B. 311. An Act establishing a road from New Haven in Nelson County, Kentucky, by way of Roanoke to Elizabethtown in Hardin County, Kentucky, as a State primary road, and designating said road as Project No. —.

S. B. 318. An Act establishing and creating as a part of the primary system of the State highways of the Commonwealth of Kentucky a road from Four Mile in Bell County

up Four Mile Creek to Ivy Grove, and thence down Moore's Creek to a point in the Stinking Creek Road near De Witt, Knox County.

S. B. 324. An Act to establish as part of the State highways a road beginning at Gratz, Kentucky, on Owen County side, thence by Monterey, Kentucky, by way of Gaphill and Pond Branch, up Kentucky River.

S. B. 325. An Act to repeal and re-enact Chapter 118 of the General Assembly of 1922, relating to roads and highways.

S. B. 330. An Act to amend Chapter 203 of the Acts of the General Assembly of 1926, which is under Section 4356 of Carroll's 1930 Kentucky Statutes relating to roads and highways.

S. B. 345. An Act designating and establishing as a part of the primary system of State highways of the Commonwealth of Kentucky and as a part of the project leading from Beattyville, Lee County, Kentucky, to Jackson, Breathitt County, Kentucky, a road beginning at a point in the State highway at the mouth of Dunnigan's Branch in Lee County and running by the way of Long Shoal School House, Tallega, Athol and Oakdale to Jackson, Kentucky.

S. B. 352. An Act establishing as part of the primary system of State highways a road beginning at Denver, Johnson County, Kentucky, running down Jennie's Creek to Line Branch; up Line Branch to Rockhouse Branch, thence down Paint Creek to the Harry Davis Farm, intersecting with Route No. 40.

S. B. 357. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

S. B. 358. An Act establishing as part of the primary system of State highways a road beginning at the junction

of Washington and Jefferson Streets in the town of Burlington, Boone County, Kentucky, thence in a southerly direction to what is known as the Tanner Road where it intersects the Burlington and Union Road; thence in a southerly direction to State Highway No. 42, known as the Florence and Louisville Road about one mile north of the town of Union.

S. B. 373. An Act establishing a primary road project from Pleasant Ridge via Red Hill and Utica to Glenville.

S. B. 375. An Act to amend Section 1, Project No. 373, Chapter 315, page 575 of the Acts of the General Assembly of 1928, now Project No. 373, under Section 4356t-5, page 2253, Road Projects, of Carroll's Kentucky Statutes, 1930 Edition, relating to establishing and designing a system of State highways and providing for their construction and maintenance.

S. B. 383. An Act to amend and re-enact Chapter 185, page 526 of the Acts of the General Assembly of 1924, now Kentucky State Road Project No. 80, by adding the words "Haddock's Ferry," just before the words "Calvert City," in said original Act, so that when same is amended and re-enacted it will read as follows:.

S. B. 389. An Act to establish a primary road project to be known as Project No. — beginning at J. Wilson's store at the mouth of Island Creek in Owsley County on Project No. 11 and running up Island Creek by way of Island City to Brewer's store on Sturgeon Creek in Owsley County and intersecting .with Booneville, Tyner and East Bernstadt Road Project No. —.

S. B. 390. An Act to establish a primary road project to be known as Project No. — beginning at the Pendergrass Farm near Pleasant Hill School on State Project No. 52 in Owsley County and running by way of Tommy Quillen's farm, by way of Benson Post Office, Traveler's Rest Post Office and intersecting with Booneville-East Bernstadt Road at or near New Hope in Owsley County.

S. B. 391. An Act to establish a primary road project to be known as Project No. — beginning at the mouth of Road Run on State Project No. 11 in Clay County, Kentucky, thence up Buffalo Creek to the forks, thence up the left-hand fork to the head of Squabble Creek and down Squabble Creek to Buckhorn.

S. B. 396. An Act relating to roads and highways, and describing and establishing a project to be added to the State highway system of roads and highways, running from State Highway No. 52 at or near the top of Hatton Hollow Hill, via Evelyn and up Rosses Creek to Gentry's store and thence via the Old Orchard and the Farmer Ridge to Stone Coal Church and thence following substantially the county road via Delvinta School to Idamay, Lee County.

S. B. 398. An Act to create and establish certain road projects to be a part of the primary road system of the Commonwealth of Kentucky.

S. B. 404. An Act establishing as a part of the primary system of State highways a road beginning at Glasgow Junction and running thence via the old Mammoth Cave railroad line to Mammoth Cave.

S. B. 408. An Act establishing as a part of the primary system of State roads and highways, a road leading from Elmer Carter's store in Edmonson County, via Straw and Dickey's Mill to Cub Run.

Senator McCaw introduced a bill of the following title which was referred and ordered printed:

S. B. 474. An Act providing for a State School Fund.

To Committee on Rules.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

There is hereby levied annually, in conformity with Sections 183 and 184 of the Constitution, a State tax for common school purposes of fifty (50) cents on each one hundred (100) dollars of value of all real and personal estate and corporate franchise of the Commonwealth of Kentucky.

The State Tax Commission shall direct that the tax provided in this Act shall be placed on the tax books by the county court clerk in each county, and that it shall be collected at the same time and in the same manner as other State and county taxes. The proceeds of this tax shall be turned over to the Auditor of Public Accounts by the collecting agencies in the respective counties, and shall be credited by such Auditor to the Common School Fund.

The Auditor of Public Accounts shall certify to the Superintendent of Public Instruction on or before July 15 the anticipated amount in the Common School Fund, and the Superintendent of Public Instruction shall within ten (10) days from the date of receiving such certification declare the State per capita due each county in the Commonwealth in conformity with Section 186 of the Constitution.

The tax provided for by this Act shall be used exclusively for the maintenance of a minimum term of school as provided by law, and shall be in lieu of all State and local taxes for common school purposes, provided that the board of education of any school district wishing to maintain a longer school term than the minimum term made possible by the funds created by this Act shall have the privilege of levying the local school tax not in excess of that now provided by law.

Senator Allie W. Young moved that the Senate adjourn until Monday, March 7th, at 1 o'clock P. M.

Said motion was agreed to.

And then the Senate adjourned.

MONDAY, MARCH 7, 1932

The Senate was called to order by the President of the Senate, Lieutenant-Governor Albert B. Chandler.

The Senate was opened with prayer by Rev. Dr. Hampton Adams of the Frankfort Christian Church.

The roll of the Senate was called and the following Senators answered to their names:

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| Jas. H. Bondurant | Silas Jacobs | J. M. Rose |
| W. W. Booles | Alex E. Johnson | R. H. Royster |
| H. M. Brock | L. C. Littrell | Dr. Lewis Ryans |
| Edwin C. Dawson | Frank I. Lloyd | E. D. Stephenson |
| Dr. T. J. Edge | Rev. C. D. McCaw | Joe Stewart |
| Thos. C. Ferguson | C.T.McCormick,Sr. | Thos. O. Turner |
| Walter N. Flippin | Wm. Mehler | Fred C. VanHoose |
| Chas. G. Franklin | E. C. Moore | F. M. White |
| Perry B. Gaines | Ray B. Moss | Sewell B. Williams |
| Arch Hamilton | D. C. Naive | W. A. Yates |
| J. S. W. Holloway | Marion F. Pogue | Allie W. Young |
| Robert Humphreys | Dr. G. W. Ragan | Gates F. Young |
| Wm. Isaacs | O. M. Rogers | —38 |

Senator Gates F. Young moved that the reading of the Journal be dispensed with and the Journal approved.

Said motion was agreed to.

Senator Moss moved that the privileges of the floor be extended to Messrs. W. B. Fugate, F. L. Lee and C. F. Creech.

Said motion was agreed to.

Senator Ferguson moved that the privileges of the floor be extended to Mr. W. Henry Grimes of Bowling Green.

Said motion was agreed to.

Senator Gates F. Young moved that the privileges of the floor be extended to Mrs. Gus Thomas, Mrs. Anita Flomory, Mrs. Geoffrey Morgan, Mrs. Tony Bunham, Mrs. Sherman Goodpaster, and Mrs. C. E. Carpenter.

Said motion was agreed to.

Senator Lloyd moved that the privileges of the floor be extended to Mr. Wallace McKay.

Said motion was agreed to.

Senator Franklin moved that the privileges of the floor be extended to Mr. Ivan Springfield, and Mr. and Mrs. James Coyle.

Said motion was agreed to.

Senator Humphreys moved that the privileges of the floor be extended to Mr. W. V. Gregory of Mayfield.

Said motion was agreed to.

Senator Moore moved that the privileges of the floor be extended to Mr. and Mrs. T. J. Bell.

Said motion was agreed to.

Senator McCormick moved that the privileges of the floor be extended to Mr. Louis Vernicare.

Said motion was agreed to.

Senator Stewart moved that the privileges of the floor be extended to Mr. J. D. Lyddan of Irvington.

Said motion was agreed to.

Senator Booles moved that the privileges of the floor

be extended to Mr. Block, Mr. Blockburn of Lawrenceburg and Mrs. Frank Suslier of Frankfort.

Said motion was agreed to.

Senator Royster moved that the privileges of the floor be extended to Mr. E. K. Coffman of Slaughters.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill of the following title:

H. B. 425. An Act providing educational opportunities for the orphans of soldiers, sailors, and marines who were killed in action or died during the World War, and appropriating necessary money therefor from General Fund.

Senator Gates F. Young moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

Bills of the following titles were introduced, referred and ordered printed, as follows, viz.:

By Senator Gates F. Young.

S. B. 475. An Act relating to revenue and taxation and amending Sections 4281a-1 to 4281a-10, both inclusive, Kentucky Statutes, Carroll's 1930 Edition, being Chapter 111 of the Acts of the General Assembly of 1924, as amended by Chapter 176 of the Acts of 1926.

To Committee on Rules.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That Sections 4281a-1 to 4281a-10, both inclusive, Kentucky Statutes, Carroll's 1930 Edition, being Chapter 111 of the Acts of the General Assembly of 1924, as amended by Chapter 176 of the Acts of 1926, be and the same are hereby repealed, amended and re-enacted so that the same shall read as follows:

Section 1. Transfers to be Taxed. Subsection 1. All property within the jurisdiction of the State, real or personal, and any interest therein, belonging to residents of the State, and all personal property wherever situated belonging to residents of the State, and all real or personal estate within the State, or any interest therein, belonging to persons who are not residents of the State, which shall pass by will, or by the laws regulating intestate succession, or by deed, grant, bargain, sale or gift, made in contemplation of death, or made or intended to take effect in possession or enjoyment at or after the death of the grantor or donor, absolutely or in trust, to any person or persons or to any body politic or corporate, in trust or otherwise or by reason whereof any person or body politic or corporate may become beneficially entitled in possession or expectancy, to any property, or to the income thereof, shall be and is subject to a tax for the uses of the Commonwealth of Kentucky as now or may hereafter be provided by law, upon the fair cash value of such property in excess of the exemptions hereinafter granted and at the rates hereinafter prescribed.

Such tax shall be imposed when any such person or corporation becomes beneficially entitled, in possession or expectancy, to any property or the income thereof, by any such transfer whether made before or after passage of this Act, provided that property or estates which have vested in such persons or corporations before this Act takes effect shall not be subject to the tax.

Subsection 2. In Contemplation of Death. Every transfer made within three years prior to the death of the grantor, vendor or donor of a material part of his estate or in the

nature of a final disposition or distribution thereof, and without an adequate valuable consideration, shall be construed to have been made in contemplation of death within the meaning of this section unless shown to the contrary. And in the event a transfer was made more than three years prior to the death of the decedent, it shall be a question of fact to be determined by the proper tribunal whether such transfer was made in contemplation of death.

Subsection 3. By Power of Appointment. Estate Greater Than Life Right. All property subject to the exercise of a power of appointment shall be taxed as though said property had been devised in fee to the donee of the power, and when such tax has been paid, it shall be in full of any tax against the intervening estate in said property prior to the exercise of said power and in full of any tax arising out of the devolution of said property, whether through the exercise of said power or the failure to exercise the same; and said tax shall not be regarded as an obligation of any beneficiary but shall be paid out of the whole corpus of the estate, and shall for the purpose of this Act be regarded as an expense of administration unless the will or other instrument creating such estate shall otherwise provide for the payment of such tax.

And provided further, that all property devised or bequeathed to a beneficiary for life or years with the unrestricted right in such beneficiary to use or dispose of the entire corpus of such property, shall also be taxed as an estate in fee to such beneficiary, and the tax thereon shall be paid and charged as an expense of administration in the same manner as hereinabove provided; and when such tax has been paid, it shall be in full satisfaction of any tax against the life estate or estate for years in full of any tax arising out of the subsequent devolution of said property under the will or other instrument creating such estate.

Subsection 4. Joint Interests. Whenever any property, real or personal, is held in the joint names of two or more

persons, or as tenants by the entirety, or is deposited in banks or other institutions or depositaries in the joint names of two or more persons and payable to either or the survivor, upon the death of one of such persons the right of the surviving tenant by the entirety, joint tenant or joint tenants, person or persons, to the immediate ownership or possession and enjoyment of such property shall be deemed a transfer of one-half or other property fraction thereof taxable under the provisions of this act, in the same manner as though this part of the property to which such transfer relates belonged to the tenants by the entirety, joint tenants or joint depositors as tenants in common, and had been bequeathed or devised to the surviving tenant by the entirety, joint tenant or joint tenants, person or persons, by such deceased tenants by the entirety, joint tenant or joint depositor, by will.

Subsection 5. Contracts in Contemplation of Death. In the event it shall appear, either from the will of the decedent or from extrinsic evidence that an obligation of a contractual nature exists in favor of any person, payable at or after death of the decedent, said sum so payable shall be treated for the purposes of this act as a taxable transfer, unless it shall affirmatively appear by competent evidence that a consideration substantially equivalent in value to the amount so due under said contract was paid or furnished by or for the other party thereto during the life of the decedent, provided that the proceeds of a life insurance policy which is payable to a designated individual or individuals shall not be subject to the inheritance taxes provided for in this act. There shall also be exempted from and not subject to the inheritance taxes provided for in this act all proceeds of any federal war risk insurance policy of any veteran of the World War which is payable or which may become payable to the estate of such veteran.

Subsection 6. Tax an Obligation of Beneficiary except in Certain Cases. Taxes payable under the provisions of this act are hereby made and declared to be an obligation of the beneficiary in all cases where such beneficiary is devised or bequeathed an estate in fee, and in all other instances where a

devise or bequest or the interest of a beneficiary is less than an estate in fee, the tax is hereby made and declared to be an expense of administration of the decedent's estate and not an obligation of such beneficiary, unless the will shall otherwise provide for the payment of such tax or unless the beneficiary shall voluntarily pay the same; and provided further, that in all cases where any beneficiary is granted or conveyed, under the terms of a deed or deed of trust, an estate less than an estate in fee, the tax against such interest is hereby made and declared to be a debt payable out of the whole corpus of the estate granted or conveyed and not an obligation of such beneficiary, unless the deed or deed of trust shall otherwise provide for the payment of such tax or unless the beneficiary shall voluntarily pay the same.

The provisions of this subsection are hereby declared to be definitive and explanatory of the sources of payment of all taxes imposed by the original inheritance tax act and all amendments thereto.

§ 2. Rate of Taxation. Exemption of Charitable, Educational and Religious Institutions. Subsection 1. All transfers to educational, religious or other institutions, societies, or associations, whose sole object and purpose is to carry on charitable, educational or religious work, within the State, all transfers for or upon trust for any charitable purpose in this State and all transfers to cities and towns or public institutions in this State for public purposes, shall be exempt from the tax imposed by this act. But no such corporation or association shall be entitled to such exemption if any officer, member, shareholder or employe thereof shall receive or may be lawfully entitled to receive any pecuniary profit from the operations thereof, except reasonable compensation for services in effecting one or more of such purposes or as proper beneficiaries of its strictly charitable purposes; or if the organization thereof, for any such avowed purpose, be a guise or pretense for directly or indirectly making any other pecuniary profit for such corporation or association, or for any of its members or employees, or if it be not in good faith

organized or conducted exclusively for one or more of such purposes.

Subsection 2. Classification of Beneficiaries' Rates. The tax upon transfers of property as above defined shall be at the following rates:

Class A. In case the transfer shall be to or for the benefit of a husband, wife, lineal ancestor, lineal descendant, adopted child, any child to whom such decedent for not less than ten years prior to such transfer stood in the mutually acknowledged relation of a parent, provided such relationship began at before the child's fifteenth birthday, and was continuous for said ten years thereafter, stepmother, stepfather, stepchild, daughter-in-law, son-in-law, or any lineal issue of such adopted or mutually acknowledged child or stepchild, the tax shall be: On its value not exceeding twenty-five thousand dollars ($25,000.00), at one per cent; on the excess of its value over twenty-five thousand dollars ($25,000.00), and not exceeding fifty thousand dollars ($50,000.00) two per cent; on the excess of its value over fifty thousand dollars ($50,000.00) and not exceeding one hundred thousand dollars ($100,000.00) at three per cent; on the excess of its value over one hundred thousand dollars ($100,000.00) and not exceeding two hundred and fifty thousand dollars ($250,000.00) at four per cent; on the excess of its value over two hundred and fifty thousand dollars ($250,000.00) and not exceeding five hundred thousand dollars ($500,000.00) at five per cent; on the excess of its value over five hundred thousand dollars ($500,000.00) and not exceeding seven hundred and fifty thousand dollars ($750,000.-00) at six per cent; on the excess of its value over seven hundred and fifty thousand dollars ($750,000.00) and not exceeding one million dollars ($1,000,000.00) at seven per cent; on the excess of its value over one million dollars ($1,000,000.00) and not exceeding two million dollars ($2,000,000.00) at eight per cent; on the excess of its value over two million dollars ($2,000,000.00) and not exceeding three million dollars ($3,-000,000.00) at nine per cent; on the excess of its value over three million dollars ($3,000,000.00) and not exceeding four million dollars ($4,000,000.00) at ten per cent; on the excess

of its value over four million dollars ($4,000,000.00) and not exceeding five million dollars ($5,000,000.00) at eleven per cent; on the excess of its value over five million dollars ($5,000,000.00) and not exceeding six million dollars ($6,000,000.00) at twelve per cent; on the excess of its value over six million dollars ($6,000,000.00) and not exceeding seven million dollars ($7,000,000.00) at thirteen per cent; on the excess of its value over seven million dollars ($7,000,000.00) and not exceeding eight million dollars ($8,000,000.00) at fourteen per cent; on the excess of its value over eight million dollars ($8,000,000.00) and not exceeding ten million dollars ($10,000,000.00) at fifteen per cent; and on the excess of its value over ten million dollars ($10,000,000.00) at sixteen per cent.

Class B. In case the transfer shall be to, or for the benefit of a brother, sister, brother-in-law, sister-in-law, uncle, aunt, nephew or niece, or the lineal descendant of a nephew or niece, and all religious, charitable, educational and State institutions as defined in section 2, par. 1, within the United States but not within this State, the tax shall be: On its value not exceeding twenty-five thousand dollars ($25,000.00) at two per cent; on the excess of its value over twenty-five thousand dollars ($25,000.00) and not exceeding fifty thousand dollars ($50,000.00) at three per cent; on the excess of its value over fifty thousand dollars ($50,000.00) and not exceeding one hundred thousand dollars ($100,000.00) at five per cent; on the excess of its value over one hundred thousand dollars ($100,000.00) and not exceeding two hundred and fifty thousand dollars ($250,000.00) seven per cent; on the excess of its value over two hundred and fifty thousand dollars ($250,000.00) and not exceeding five hundred thousand dollars ($500,000.00) nine per cent; on the excess of its value over five hundred thousand dollars ($500,000.00) and not exceeding one million dollars ($1,000,000.00) twelve per cent; on the excess of its value over one million dollars ($1,000,000.00) and not exceeding three million dollars ($3,000,000.00) thirteen per cent; on the excess of its value over three million dollars ($3,000,000.00) and not exceeding six million dollars ($6,000,000.00) fourteen per cent; on the excess of its value over six million dollars ($6,000,000.00) and not exceeding ten million dollars

($10,000,000.00) at fifteen per cent; and on the excess of its value over ten million dollars ($10,000,000.00) at sixteen per cent.

Class C. In case the transfer shall be to or for the benefit of any person or corporation not exempted by sec. 2, par. 1, or included in either of the foregoing classes, the tax shall be: On its value not exceeding twenty-five thousand dollars ($25,000.00) at six per cent; on the excess of its value over twenty-five thousand dollars ($25,000.00) and not exceeding fifty thousand dollars ($50,000.00) at eight per cent; on the excess of its value over fifty thousand dollars ($50,000.00) and not exceeding one hundred thousand dollars, ($100,000.00) at ten per cent; on the excess of its value over one hundred thousand dollars ($100,000.00) and not exceeding two hundred and fifty thousand dollars ($250,000.00) at twelve per cent; on the excess of its value over two hundred and fifty thousand dollars ($250,000.00) and not exceeding five hundred thousand ($500,000.00) at fourteen per cent; and on the excess of its value over five hundred thousand dollars ($500,000.00) at sixteen per cent.

Subsection 3. Exemptions. There shall be free from any tax hereunder the following inheritable interests:

Wife $20,000.00.

All other persons in Class A $5,000.00 except persons under twenty-one years of age, and to such persons $10,000.00.

Brothers and sisters $2,000.00.

All other persons or corporations $500.00.

In calculating the tax on each bequest, the above exemptions are in each case to be taken out of the first $25,000.00 inherited and the tax on the remainder of the first $25,000.00 shall be computed at the rates above provided.

Subsection 4. Liability of Executors. Administrators,

executors and trustees, and all beneficiaries of such taxable transfers, shall be liable for such taxes, with interest, as hereinafter provided, until the same have been paid. Provided, however, that in no case shall such administrator, executor or trustee be liable for a greater sum than actually passes through his administration, nor shall a beneficiary be personally liable for such tax except in those cases herein provided.

Subsection 5. Deductions. In calculating the value of the distributive shares the following deductions and no others shall be allowed:

a. Debts of the decedent, whether secured or unsecured, except such debts as may be secured by a mortgage, lien or pledge of property having a taxable situs in another State.

b. Taxes accrued and unpaid on property having a taxable situs in this State.

c. Death duties paid to foreign countries.

d. Federal Estate Taxes—in the proportion which the property assessed in this State bears to the total taxable property of the estate. All assessments used in calculation to those agreed to by the Tax Commission of this State.

e. Drainage, street or other special assessments due and unpaid which are a lien on said property.

f. Funeral and burial expenses; and all amounts actually expended not exceeding the sum of $500.00 for monuments.

g. Commission of executors and administrators actually allowed and paid.

h. Cost of administration including reasonable attorneys' fees.

i. A deduction shall be allowed to persons of Class A of Section 2 for all property transferred by a decedent of Class

A of Section 2 to any person of that class, provided the same property was transferred within two years to such decedent and a tax paid thereon in this State. This deduction shall not exceed the appraised value on which such tax was paid; providing, however, such property previously taxed can be identified as having been received by the decedent from such prior decedent by gift, bequest, devise, or inheritance, or which can be identified as having been acquired in exchange for property so received. Provided further, that this deduction shall not apply in favor of one who becomes a member of Class A by marriage contracted within said period of two years.

Subsection 6. Special Case—Contingent Estates. Estates in expectancy which are contingent or defeasible and in which the proceedings for the determination of the tax have not been taken or where the taxation thereof has been held in abeyance prior to the effective date of this act, shall be appraised at their full, undiminished value when the persons entitled thereto shall come into the beneficial enjoyment or possession thereof, without diminution for or on account of any valuation theretofore made of the particular estates for purposes of taxation, upon which said estates in expectancy may have been limited.

Subsection 7. Divesting. Where an estate or interest can be divested by the act or omission of the legatee or devisee it shall be taxed as if there were no possibility of divesting.

Subsection 8. Contingent Estate. The value of every future, or contingent or limited estate, income or interest, shall for the purpose of this act be determined by the rule, methods and standards of mortality and of value prescribed by the mortality tables as provided in the Actuaries' Combined Experience Tables for ascertaining the value of life estates, annuities and remainder interests, save that the rate of interests to be assessed in computing the present value of all future interest and contingencies shall be five (5%) per cent, per annum.

Subsection 9. Valuation of Life Interests and Contingent

Estates. The Insurance Commissioner shall without a fee on the application of the Tax Commission or of any inheritance tax appraiser determine the value of any future or contingent estate, income or interest therein, limited, contingent, dependent or determinable upon the life or lives of persons in being upon the facts contained in any such appraiser's application or other facts to him submitted by such appraiser or said Commission and certify the same in duplicate to said Commission or appraiser, and his certificate thereof shall be competent evidence that the method of computation therein is correct. When an annuity or a life estate is terminated by the death of the annuitant or life tenant, and the tax upon such interest has not been fixed and determined, the value of said interest for the purpose of taxation under this act shall be that amount of the annuity or income actually paid or payable to the annuitant or life tenant during the period for which such annuitant or life tenant was entitled to the annuity or was in possession of the life estate. The tax on such annuities or life estates shall be payable out of the corpus of the estate, and such tax shall be charged as an expense of administration of such estate and not as an obligation of the beneficiary of such annuity or life estate unless the will or other instrument creating such annuity or life interest shall otherwise provide for the payment of such tax.

Subsection 10. Tax to be Not Less than Credit Allowed by Federal Estate Tax Law. In no event shall the total tax be less than the percentage allowed as a credit by the federal estate tax law, and if, after said total tax has been determined, it is shown to be less than said per centage allowed as a credit by the federal estate tax law, the difference in amounts shall, in the proportion that the estate in this State bears to the total estate, be paid as an additional tax out of the whole corpus of the decedent's estate as an expense of administration thereof.

§ 3. Procedure—Supervision of State Tax Commission. Subsection 1. The State Tax Commission shall have full supervision of the enforcement and collection of all taxes due

under the provisions of the Inheritance Tax Act, and shall make all rules and regulations necessary for the just administration thereof. It may employ such attorneys, examiners and special agents as may be necessary for the carrying out of its full intent and purpose. The State Tax Commission shall direct its representatives to make an investigation in any case where it deems fuller information necessary, and may cause administrators, executors or beneficiaries to file all statements required by this act with the clerks of the proper courts and with the commission; examine all statements filed by such administrators and executors; and require such administrators, executors and beneficiaries to furnish any additionl information that may be deemed necessary to determine the amount of tax that should be paid by such estate. The county court, upon the request of the personal representative or any interested party, shall appoint some competent person as appraiser, whose duty it shall be to give notice to all persons having an interest therein and to such persons as the court may by order direct and shall appraise the property belonging to said estate, and his report shall be filed with the county court and a copy thereof with the State Tax Commission. The said appraiser appointed by the county court shall be paid for his services out of the funds of the estate on the certification of the court the amount to be fixed by the judge of the county court, and the total compensation in no event not to exceed one-tenth of one per cent of the total appraised value of the estate for inheritance tax purposes; provided, there shall be a minimum allowance of five ($5.00) dollars, together with his actual and necessary traveling expenses. After investigation, the State Tax Commission shall fix the value of the estate for inheritance taxes and advise the representative of the estate of such valuation. The administrator, executor or any interested party, if not satisfied with such appraisement, may appeal within thirty days from the decision of the State Tax Commission to the county court of the county in which such estate is situated for the purpose of having said issue tried, and appeals may be taken by the personal representative of the estate or any interested party of the State Tax Commission from the judgment of the county court to the circuit court

of the county, and from the judgment of the circuit court to the court of appeals in the time and manner as now provided by law in other civil actions.

Subsection 2. Probate Court Reports and Duties. The clerk of the county court on the first of each month shall without fee send to the State Tax Commission on forms furnished by said Commission a list of wills probated and personal representatives appointed together with the name of the decedent and the inventory value of the estate when such inventory is filed, and on request from the State Tax Commission shall furnish such other information as may be of record in his office concerning any such estate. But for any copies of wills or inventories, the clerk shall receive his regular fee.

Subsection 3. Corporations to Furnish List of Transfers. All Kentucky corporations shall on or before the first day of February of each year furnish the State Tax Commission a list of all transfers of stocks from decedent's estates made within the previous year.

Subsection 4. Duty of Executor, Administrator or Trustee to Report Real Estate Transfers. If real estate of a decedent so passed to another person as to become subject to said tax, his executor, administrator or trustee shall inform the tax Commission thereof within six months after his appointment, or if the fact is not known to him within that time then within one month after the fact becomes known to him.

Subsection 5. Tax Commission Assessment. All taxes imposed by this act shall be assessed by the State Tax Commission upon the full and fair cash value of the property transferred as of the date of death of decedent at the rates herein before set out, to be paid to the Auditor of Public Accounts for the use of the State. All executors, administrators or trustees shall be personally liable for any and all such taxes until the same are paid. Notice of the amount of said taxes shall be mailed to the executor, administrator or trustee or other person liable therefor by said commission, and, upon request, to any other person by whom said taxes are payable.

But failure to receive said notice shall not excuse the non-payment of or invalidate said taxes. Said taxes shall be and remain a lien upon the property transferred and upon all property acquired by the executor, administrator or trustee, until the said taxes are paid or a bond given as herein provided, but said lien shall not affect any tangible or intangible personal property after it has passed to a bona fide purchaser for value; provided, however, that nothing herein contained shall give the owner of any securities the right to have the same transferred to him by the corporation, association, company or trust issuing the same, until a permit required by this act shall have been filed as herein provided. The lien charged as aforesaid upon any real estate may be discharged by the payment of all taxes due and to become due. The heir, devisee or other donee of a fee simple estate shall be personally liable for the tax on such estate, as well as the executor, administrator, or trustee; and if the executor, administrator or trustee pays such tax, he shall, unless the same is made an expense of administration by the will or other instrument, have the right to recover such tax from the heir, devisee, grantee or the donee of such fee simple estate.

Failure on the part of any personal representative or beneficiary to report to the State Tax Commission any taxable interest shall be deemed an act of fraud against the State, and as such shall suspend the running of any limitation of action for the recovery of the tax against such taxable interest until such fraud is discovered by the State Tax Commission.

Subsection 6. Enforcement. The lien herein retained to secure said taxes may be enforced as other liens upon similar properties are enforced.

Subsection 7. Records Kept by Tax Commission—Secrecy of Records. The Tax Commission of this State shall keep a record of all returns made by appraisers, the cash value of annuities, life estates and terms of years, and the amount of all taxes assessed by them; and, in addition, the said commission may enter of record all other information and data which they may deem desirable or proper. All re-

turns made by appraisers and all data otherwise gathered by the tax commission shall be considered as privileged communications and the same shall not be exhibited for inspection to any person or persons other than the executor or the administrator or a beneficiary entitled under the terms of the last will and testament or the interstate laws to share in the estate, or the duly authorized attorney of said executor, administrator or beneficiary. Nothing in this section shall be construed as prohibiting the use of such returns made by appraisers and all data otherwise gathered by the commission in legal proceedings involving the assessment, collection or abatement of taxes provided for by the various tax statutes prevailing in this State.

§ 4. Quieting Title—Action for Quieting Title. Subsection 1. Actions may be brought against the State by any interested person for the purpose of quieting the title to any property against the lien or claim of lien of any tax or taxes under this act, or for the purpose of having it determined that any property is not subject to any lien for taxes nor chargeable with any tax under this act. No such action shall be maintained where any proceedings are pending in any court in this State wherein the taxibility of such transfer and the liability therefor and the amount thereof may be determined. All parties interested in said transfer and in the taxability thereof shall be made parties thereto and any interested person who refuses to join as plaintiff therein may be made a defendant. Summons for the State in said action shall be served upon the State Tax Commission. Actions under this section shall be commenced in the circuit court of the county in which is situated any part of any real property against which any lien is sought to be enforced, or to which the title is sought to be quieted against any lien, or claim of lien; but if in said action no lien against real property is sought to be enforced, the action shall be brought in the circuit court of the county which has or which had jurisdiction of the administration of the estate of the decedent mentioned herein.

§ 5. Payment—Forms. Subsection 1. The State Tax Commission shall prepare and furnish, upon application,

blank forms covering such information as may be necessary to determine the amount of inheritance tax due the State on the transfer of all property subject to tax; it shall determine the value of such property and have full authority to do all things necessary to secure full and final settlement of all such inheritance taxes due or to become due, to the State Treasurer.

Subsection 2. When Tax Due—Payable—Death of Decedent—Discount—Bond. All taxes imposed by this chapter, unless otherwise herein provided for, shall be due and payable at the death of the decedent, and if the same are paid within eighteen months, no interest shall be charged and collected threon, but if not so paid, interest at the rate of ten per centum per annum shall be charged and collected from the time said tax accrued; provided, that if said tax is paid within nine months from the accruing thereof a discount of five per centum shall be allowed and deducted from said tax. And in all cases where the executors, administrators or trustees do not pay such tax within eighteen months from the death of the decedent, they shall be required to give bond in the form and to the effect prescribed by the State Tax Commission for the payment of said tax, together with interest.

Subsection 3. Penalty for Non-Payment. The penalty of ten per centum per annum imposed for the nonpayment of said tax, shall not be charged in case where, by reason of claims made upon the estate, necessary litigation, or other unavoidable cause of delay, the estate of any decedent, or a part thereof, cannot be settled at the end of eighteen months from the death of the decedent; and in such case, only six per centum per annum shall be charged upon the said tax from the expiration of eighteen months until the cause of such delay is removed, and thereafter at the rate of ten per centum per annum until such tax has been paid.

Subsection 4. Advance Payments and Refunds. Any estate from which any such tax is or may be due the personal representative may make an estimate agreeable to the State

Tax Commission and pay the same to the Auditor of Public Accounts, who shall receipt therefor, at any time before the same is determined, and shall thereupon be entitled to any discount and be relieved of any interest and penalty, and shall have permits issued for the transfer of securities or real estate upon the amount so paid in the same manner as if the tax were then determined. Any excess so paid shall be refunded to the person so paying or entitled thereto by such Auditor after approval of the State Tax Commission out of any inheritance tax money in his possession, upon filing with such Auditor a copy of the order fixing such tax, and attached thereto a certificate stating the amount of refund due.

In the event any tax shall be erroneously collected, then upon satisfactory proof of this fact, the State Tax Commission shall certify to the Auditor the amount of such tax erroneously collected, and shall order a refund of such tax to the party who has paid the same, or the person entitled thereto, and the Auditor shall, out of any inheritance tax money in his possession, make such refund.

Subsection 5. Tax on Real Estate of Non-Residents—Procedure when no Administration in this State—Ancillary Administration or Petition of Auditor of Public Accounts. In the absence of administration in this State upon the estate of a non-resident, the State Tax Commission may, at the request of an executor or administrator duly appointed and qualified in the State of the decedent's domicile, or of a grantee under a conveyance made during the grantor's lifetime, and upon satisfactory evidence furnished him by such executors, administrator, or grantee, or otherwise determine whether or not any real estate of said decedent within this State is subject to tax under the provisions of this act, and if so, may determine the amount of such tax and adjust the same with such executor, administrator, or grantee, and for that purpose may appoint an appraiser to appraise said property and the estate in addition to the tax. The Tax Commission's certificate as to the amount of such tax and the Auditor's receipt for the amount therein certified may be filed in the county court in

the county where the real estate is located, and when so filed shall be evidence of the payment of the tax, to the extent of such certification. Whenever in such a case the tax is not adjusted within six months after the death of the decedent, the proper county court, upon application of the State Tax Commission, shall appoint an administrator in this State.

§ 6. Enforcement—Duties of Safe Deposit Companies, Trust Companies, Banks, Corporations, Etc. Subsection 1. No safe deposit company, trust company, corporation, bank, or other institutions, person or persons engaged in the business of renting safe deposit boxes or other receptacles of similar character, shall rent any such box or receptacles without first requiring all persons given access thereto to agree in writing to notify such safe depository, bailee or lessor, from whom such box or receptacle is rented, of the death of any person having the right of access thereto, before seeking access to such box or receptacle after the death of such person; and all persons having the right of access to any such safe deposit box or receptacle, upon the death of any other person having access thereto, before seeking access to such box or receptacle must notify such safe depository, bailee or lessor, from whom such box or receptacle is rented, of the death of such person; and it shall be unlawful for any safe deposit company, trust company, corporation, bank or other institution, person or persons having in possession or under control, custody or partial custody any safe deposit box of similar receptacle, to permit access thereto by any one after the death of any person who at the time of his death had the right or privilege of access thereto either as principal, deputy, agent or co-tenant, without the consent of the State Tax Commission or a person by it authorized to issue such consent. No safe deposit company, trust company, corporation, bank or other institution, person or persons having in possession or under control or custody or under partial control or partial custody securities, deposits, assets or property belonging to or standing in the name of the decedent who was a resident or non-resident, or belonging to, or standing in the joint names of such a decedent and one or more persons, including the shares of the capital stock of, or other interest in, the

safe deposit company, trust company, corporation, bank or other institution making the delivery or transfer herein provided, shall deliver or transfer the same to executors, administrators or legal representatives, agents, deputies, attorneys, trustees, legatees, heirs, successors in interest of said decedent or to any other person or persons, or to the survivor or survivors when held in the joint names of the decedent and one or more persons, or upon their order or request, without retaining a sufficient portion or amount thereof to pay any tax and interest which may thereafter be assessed therein under this act, and unless notice of the time and place of such delivery or transfer be served upon the State Tax Commission at least thirty days prior to said delivery or transfer; provided, that the State Tax Commission or person by them in writing authorized to do so, may consent in writing to said delivery or transfer, and such consent shall relieve said safe deposit company, trust company, corporation, bank or other institution, person or persons from the obligations hereunder to give such notice or to retain any portion of said securities, deposits or other assets in their possession or control. And it shall be lawful for the State Tax Commission or county treasurer, personally or by representatives, to examine same securities, deposits or assets at the time of said delivery or otherwise.

Subsection 2. Penalties. Failure to comply with the provisions of this section shall render such safe deposit company, trust company, corporation, bank or other institution, person or persons, liable to a penalty of not more than twenty thousand ($20,000) dollars, and in addition thereto said safe deposit company, trust company, corporation, bank or other institution, person or persons, shall be liable for the amount of taxes, interest and penalties due under this act on said securities, deposits or other assets above mentioned, and said penalties and liabilities of said safe deposit company, corporation, bank or other institution, person or persons for the violation of this section may be enforced in an action brought by the State Tax Commission in any court of competent jurisdiction.

Subsection 3. Tax to be Deducted from Legacies, or Paid by Legatee or Special Property; Executor or Administrator to Collect Taxes on Land; Sale of Property to Pay Tax; Lien on Property to Secure Tax on Conveyance in Decedent's Lifetime. An executor, administrator or trustee, holding property subject to said tax, shall not deliver property or a specific legacy subject to said tax until he has collected the tax thereon. When a specific bequest in fee simple of personal property other than money is subject to a tax under the provisions of this act, and provision for the payment of said tax has not been made by the terms of the decedent's will, and the legatee neglects or refuses to pay the tax upon demand, the executor or trustee may upon such notice as the county court may direct be authorized to sell such property, or, if the same can be divided, such portion thereof as may be necessary, and shall deduct the tax from the proceeds of such sale, and shall account to the legatee for the balance, if any, of such proceeds, in lieu of the property. An executor or administrator shall collect taxes due upon land devised, inherited or granted in fee simple which is subject to tax under the provisions hereof from the heirs or devisees entitled thereto, and he may be authorized to sell said land if they refuse or neglect to pay said tax. When a conveyance made by a decedent in his life time is subject to said tax, and the property thus conveyed, being personal property, is without the State, or is removed from the State before the tax is paid, such tax shall become a lien upon all property of the decedent; and the executor or administrator shall collect taxes due on account of such conveyances and may be authorized to sell any property subject to the lien of such tax, for the payment thereof, as in the other cases.

Subsection 4. Legacy Charged on Realty; Tax, How Paid. If a legacy subject to said tax is charged upon or payable out of real estate, the heir or devisee, before paying it, shall deduct said tax therefrom and pay it to the executor, administrator or trustee. The payment of this tax can be enforced in the same manner as the payment of a tax on a direct legacy itself could be enforced.

Subsection 5. Collection of Tax Upon Sale of Property Passing to Several Beneficiaries. When any interest in property, real or personal, less than an estate in fee is devised or bequeathed to one or more beneficiaries, or in trust for the benefit of one or more beneficiaries, with remainder to others, and the interest of one or more beneficiaries is subject to tax, then the executor or administrator shall deduct the tax upon such taxable interests from the whole corpus of the decedent's estate, and shall charge such tax as an expense of administration unless the will of the decedent shall provide otherwise for the payment of such tax, or unless the beneficiary shall voluntarily pay the same; and provided further, that when any interest in property, real or personal, less than an estate in fee, is granted or conveyed to one or more beneficiaries, or in trust for one or more beneficiaries, with remainder to others, and the interest of one or more beneficiaries is subject to tax, such tax shall be payable out of the whole corpus of the estate granted or conveyed and shall be charged as a debt against said estate and not as the obligation of any beneficiary unless the deed or other instrument creating such estate shall provide otherwise for the payment of such tax, or unless the beneficiary shall voluntarily pay the same and provided further, that whenever any property, real or personal, is so devised, bequeathed, granted or conveyed, as herein provided, then unless the taxes upon all taxable interests in said property shall have been voluntarily paid by the beneficiaries, or shall have been paid in such other manner as may be provided in the will or other instrument creating such estate, said property shall be subject to sale for the payment of said taxes as provided in Sections 4281a-5 and 4281a-7 of this act, and after said unpaid taxes on such taxable interests have been paid in full from the proceeds of such sale, the balance of such proceeds shall be accounted for as in other cases.

Section 7. Penalty for False Statements or Reports. Every person who wilfully and knowingly subscribes or makes any false statement of facts, or knowingly subscribes or exhibits any false paper or false report with intent to deceive any appraiser pursuant to the provisions of this act, shall be guilty of a misdemeanor and punished accordingly. Any per-

son charged with any duty under the terms of this act who fails or refuses to perform the same shall be guilty of a misdemeanor, and shall be fined not less than five ($5.00) dollars nor more than one hundred ($100.00) dollars.

Section 8. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional, the decisions of the courts shall not affect or impair any of the remaining provisions of this act. It is hereby declared as a legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein.

Section 9. All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

By Senator Gaines.

S. B. 476. An Act to amend and re-enact Sections 1804 and 1820, respectively, of Carroll's Kentucky Statutes, 1930 Edition, relating to the establishment of ferries.

To Committee on Rules.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Section 1804 of Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby is amended and re-enacted so that the same when amended shall read as follows:

No application to establish a ferry shall be heard, unless notice of the application shall have been posted at the Court House door of the county on the first day of the term of the court next preceding that at which the application is made, and unless such notice shall be published in full in a newspaper published in the county which has the largest circulation therein, or in a newspaper having the largest circulation

in the city or town chiefly affected by the establishment of a ferry, at least once a week for three weeks preceding the first day of the term of court next preceding that at which the application is made.

§ 2. That Section 1820 of Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby is amended and re-enacted so that same when amended shall read as follows:

No ferry shall be established on the Ohio River within less than a mile and a half, nor upon any other stream within less than a mile of the place, in a straight line, at which any existing ferry or bridge has been pre-established, unless it be in a town or city, or where an impassible stream intervenes.

1. No new ferry shall be so granted within a city or town unless those established therein cannot properly do all the business, or unless public convenience greatly requires a new ferry at a site not within four hundred yards of that of any other.

2. No ferry boat shall take in or land any passenger or thing within such prohibited distances of another ferry, under the penalty of fifteen dollars ($15.00) for every offense, to be recovered before a justice, against the owner or keeper, and by the owner of such other ferry.

A message was received from the House of Representatives, announcing that they had passed a bill of the following title:

H. B. 12. An Act amending Section 4758a-3, Kentucky Statutes.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That Section 4758a-3, Kentucky Statutes, Baldwin's

1930 Kentucky Statute Service, being Chapter 132a of the Acts of the General Assembly of 1912, be and the same is hereby amended and re-enacted so that said section as amended and re-enacted shall read as follows:

No such instrument shall be valid against such wage earner unless full, true and complete copy thereof be delivered to the wage earner at or before the time of the payment of the consideration to him; nor shall any such instrument be valid against any such wage earner in any case where it shall appear that said copy was taken from his possession with or without his consent thereafter by the assignee, pledgee, vendee or mortgagee, altered or destroyed directly or indirectly by such assignee, vendee, pledgee or mortgagee, or his agent, with or without the consent of said wage earner or his agent.

Said assignee, vendee, pledgee or mortgagee shall upon demand furnish an exact copy of said instrument to said wage earner upon the payment of the sum of ten cents (10c), and any false statement made in such copy shall make the original instrument invalid against such wage earner. The time and amount of all payments made by such wage earner under the terms of such instrument shall be endorsed on said copy and on the original and shall be a part thereof; and a failure to so endorse such payments if any thereon, shall make such instrument invalid and every person, firm or corporation, director, agent, officer, employee, or member thereof who shall violate any provision of this section, directly or indirectly, or assent to such violation, shall be guilty of a misdemeanor and fined not less than fifty nor more than two hundred dollars for each offense.

H. B. 180. An Act to make valid and enforceable written provisions or agreements for the arbitration of disputes.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. Validity of Arbitration Agreements. A provision in any written contracts to settle by arbitration a controversy thereafter arising out of such contract, or out of the refusal to perform the whole or any part thereof, or an agreement in writing between two or more persons to submit to arbitration any controversy existing between them at the time of the agreement to submit, shall be valid, irrevocable and enforceable, save upon such grounds as exist at law or in equity for the revocation of any contract; provided, however, that the provisions of this act shall not apply to collective contracts between employers and employees, or between employers and associations of employees, in respect to terms or conditions of employment.

§ 2. Stay of Proceedings Brought in Violation of Arbitration Agreement. If any suit or action or other proceeding be brought upon any issue referable to arbitration under an agreement in writing for such arbitration, the court in which such suit or proceeding is referable to arbitration under such an agreement, shall on application of one of the parties stay the trial of the action until such arbitration has been had in accordance with the terms of the agreement, providing the applicant for the stay is not in default in proceeding with such arbitration.

§ 3. Remedy in Case of Default—Jurisdiction—Petition and Notice—Hearing and Proceedings. The party aggrieved by the alleged failure, neglect or refusal of another to perform under a written agreement for arbitration may petition any circuit court of the county where either party resides for an order directing that such arbitration proceed in the manner provided for in such agreement. Five days' notice in writing of such application shall be served upon the party in default. Service thereof shall be made in the manner provided by law for the service of a summons. The court shall hear the parties, and upon being satisfied that the making of the agreement for arbitration or the failure to comply therewith is not in issue, the court shall make an order directing the parties to proceed to arbitration in accordance with the terms

of the agreement. If the making of the arbitration agreement or the failure, neglect, or refusal to perform the same be in issue, the court shall proceed summarily to the trial thereof. If no jury trial be demanded the court shall hear and determine such issue. Where such an issue is raised, either party may, on or before the return day of the notice of application, demand a jury trial of such issue, and upon such demand the court shall make an order referring the issue or issues to a jury called and impanelled in the manner provided for the trial of equity actions. If the jury find that no agreement in writing for arbitration was made or that there is no default in proceeding thereunder, the proceedings shall be dismissed. If the jury find that an agreement for arbitration was made in writing and that there is a default in proceeding thereunder, the court shall make an order summarily directing the parties to proceed with the arbitration in accordance with the terms thereof.

§ 4. Appointment of Arbitrators. If, in the agreement, provision be made for a method of naming or appointing an arbitrator or arbitrators or an umpire, such method shall be followed; but if no method be provided therein, or if a method be provided and any party thereto shall fail to avail himself of such method, or if for any other reason there shall be a lapse in the naming of an arbitrator or arbitrators or an umpire, or in filling a vacancy, then upon the application of either party to the controversy the circuit court aforesaid or any circuit court of the county in which the arbitration is appointed to be held shall designate and appoint an arbitrator or arbitrators or umpire, as the case may require, who shall act under the said agreement with the same force and effect as if he or they had been specifically named therein; and, unless otherwise provided in the agreement, the arbitration shall be by a single arbitrator.

Such application shall be served in the manner provided for applications made under Section 3 of this act.

§ 5. Witnesses—Summoning — Compelling Attendance.

When more than one arbitrator is agreed to, all the arbitrators shall sit at the hearing of the case unless, by consent in writing, all parties shall agree to proceed with the hearing with a less number. The arbitrators selected either as prescribed in this act or otherwise, or any one of them, may summon in writing any person to attend before them as a witness and in a proper case to bring with him or them any book, record, document, or paper which may be deemed material as evidence in the case. The fees for such attendance shall be the same as the fees of witnesses in the circuit court of this State. Subpoenas shall issue in the name of the arbitrators, and shall be signed by one or more of them, and shall be directed to the said person and shall be served in the same manner as subpoenas to appear and testify before the court. If any person or persons so summoned to testify or to produce evidence shall refuse or neglect to obey said subpoena, upon petition any circuit court in and for the county in which such arbitrators are sitting may compel the attendance of such person or persons before said arbitrator or arbitrators, or punish said person or persons for contempt in the same manner now provided for securing the attendance of witnesses or their punishment for neglect or refusal to attend in the circuit courts of this state.

§ 6. Depositions. Upon petition, approved by the arbitrators, or by a majority of them, any circuit court of the county in which an arbitration is appointed to be held or in which the arbitrators are sitting, may direct the taking of depositions to be used as evidence before the arbitrators, in the same manner and for the same reasons as provided by law for the taking of depositions in suits or proceedings pending in the circuit courts of this state.

§ 7. Award. The award shall be in writing and signed by the arbitrators or by a majority of them.

§ 8. Motion to Confirm Award—Jurisdiction—Notice. At any time within one year after the award is made any party to the arbitration may apply to any circuit court of the county

in which the award was made, or the county where either party resides, for an order confirming the award, and thereupon the court shall grant such an order unless the award is vacated, modified, or corrected as prescribed in the next two sections. Notice in writing of said application shall be served upon the adverse party or his attorney five days before the hearing thereof and shall be served in the manner prescribed by law for the service of a summons.

§ 9. Motion to Vacate Award—Grounds—Rehearing. In either of the following cases any circuit court of the county wherein the award was made, or of the county where either party resides, shall make an order vacating the award upon the application of any party to the arbitration:

(a) Where the award was procured by corruption, fraud or undue means.

(b) Where there was evident partiality or corruption on the part of the arbitrators, or either of them.

(c) Where the arbitrators were guilty of misconduct in refusing to postpone the hearing, upon sufficient cause shown, or in refusing to hear evidence pertinent and material to the controversy; or of any other misbehavior by which the rights of any party have been prejudiced.

(d) Where the arbitrators exceeded their powers, or so imperfectly executed them that a mutual, final and definite award upon the subject matter submitted was not made.

Where an award is vacated and the time within which the agreement required the award to be made has not expired the court may, in its discretion, direct a rehearing by the arbitrators.

§ 10. Motion to Modify or Correct Award—Grounds. In either of the following cases any circuit court of the county wherein the award was made or of the county wherein either

party resides shall make an order modifying or correcting the award upon the application of any party to the arbitration.

(a) Where there was an evident material miscalculation of figures or an evident material mistake in the description of any person, thing, or property referred to in the award.

(b) Where the arbitrators have awarded upon a matter not submitted to them unless it is a matter not affecting the merits of the decision upon the matters submitted.

(c) Where the award is imperfect in matter of form not affecting the merits of the controversy.

The order must modify and correct the award, so as to effect the intent thereof and promote justice between the parties.

§ 11. Judgment Upon Award. Upon the granting of an order confirming, modifying or correcting an award, judgment may be entered in conformity therewith in the court wherein the order was granted.

§ 12. Notice of Motions—When Made—Service—Stay of Proceedings. Notice of motion to vacate, modify, or correct an award shall be served upon the adverse party or his attorney within three months after the award is delivered, in the manner provided by law for service of summons in a civil action. For the purposes of the motion any judge who might make an order to stay the proceedings in an action brought in the same court may make an order, to be served with the notice of motion, staying the proceedings of the adverse party to enforce the award.

§ 13. Record—Filing—Judgment—Effect and Enforcement. Any party to a proceeding for an order confirming, modifying or correcting an award shall, at the time such order

is filed with the clerk for the entry of judgment thereon, also file the following papers with the clerk:

(a) The agreement, the selection or appointment, if any, of an additional arbitrator or umpire, and each written extension of time, if any, within which to make the award.

(b) The award.

(c) Each notice, affidavit, or other paper used upon an application to confirm, modify, or correct the award, and a copy of each order of the court upon such an application.

The judgment shall be docketed as if it was rendered in an action.

The judgment so entered shall have the same force and effect, in all respects, as, and be subject to all the provisions of law relating to a judgment in an action; and it may be enforced as if it had been rendered in an action in the court in which it is entered.

§ 14. Appeals. An appeal may be taken from an order confirming, modifying, correcting or vacating an award, or from a judgment entered upon an award, as from a final order or judgment in an action in a circuit court.

§ 15. Public Contracts. It shall be lawful for any officer, board or commission of the State of Kentucky, or of any county, municipality or other subdivision thereof, having authority to enter into contracts for the furnishing of material or labor or the performance of work, or to make any other contract involving money or money value, to provide in such contracts for the settlement by arbitration of any controversies arising thereunder.

§ 16. Title of Act. This act may be referred to as "The Kentucky Arbitration Act."

§ 17. Application. This act shall not apply to contracts made prior to its enactment.

§ 18. Inconsistent Acts Repealed. Section 451, Subsections 1 to 3, both inclusive, and Subsections 5 to 9 inclusive, of the Civil Code of Practice and Sections 69 to 73, of the Kentucky Statutes, both inclusive, and all other acts or parts of acts in conflict herewith, to the extent of such conflict, are hereby repealed.

H. B. 569. An Act providing for the reopening, or reorganization, or consolidation of closed Title Companies or Real Estate Title Insurance Companies in this Commonwealth.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Whenever any title company or real estate title insurance company organized under the laws of the Commonwealth of Kentucky, shall, for any reason, close its doors or suspend business, or shall have heretofore closed its doors or suspended its business if not less than twenty-five (25) persons, firms or corporation, owning or holding real estate mortgage bonds or notes of the par value of at least one hundred dollars ($100) each, issued or guaranteed by any such companies, shall notify the Insurance Commissioner of the Commonwealth of Kentucky, in writing, that they desire to attempt to reorganize or otherwise reopen or consolidate any of such companies with some other company in the same or kindred line of business, a reasonable time shall be given by the Insurance Commissioner for the development and perfection of such plans for reorganizing, reopening or consolidating such company, during which time liquidation of such company shall not proceed, except to such extent as may, in the opinion of the Insurance Commissioner, be necessary for the preservation of the assets of said company; and thereupon the holders or

owners of such bonds or notes or other securities together with any and all other holders or owners of such bonds, notes, or other securities so issued or guaranteed by said company, shall proceed without delay with a definite plan for the reopening, reorganization, or consolidation of such company, which plan if and when accepted in writing by the holders or owners of at least seventy-five (75) per cent in amount of all real estate mortgage bonds or notes or other securities issued or guaranteed by such company and then in force, shall become binding and effective, and all other holders or owners of such real estate mortgage bonds, lien notes, or other securities above described shall be held subject to and bound by the terms of such plan for the reorganization, reopening or consolidation of such company to the same extent as if they had joined in the acceptance and execution thereof, and upon and after the reorganization, reopening, or consolidation of said company, as the case may be, said company may, with the approval of the Insurance Commissioner, resume business under said plan of reorganization, reopening or consolidation.

If at any time in the opinion of the Insurance Commissioner, reasonable progress is not being made in the attempted reorganization, reopening or consolidation of such company, the Insurance Commissioner may revoke his approval theretofore given and shall proceed with the liquidation of said company according to law. Nothing in this act, however, shall prevent the Insurance Commissioner from again approving or consenting to an attempted reorganization, reopening or consolidation of such company, if further application therefor shall, in his opinion, be made in accordance with this act.

Because of the stress now existing in business generally and for the assistance of the companies coming within the purview of this act and recently closed, an emergency is declared to exist and this act is declared to become effective upon its passage and approval.

H. B. 863. An Act relating to revenue and taxation, imposing an excise or license tax on gasoline and all other liquid

fuels, including all liquids ordinarily, practically and commercially usable in internal combustion engines for the generation of power, and all distillates of, and condensates from petroleum, natural gas, coal tar, vegetable ferments, and from all other products, so usable and sold in this Commonwealth at wholesale, as the words "at wholesale" are defined in this act; except kerosene, fuel oil, and crude oil as such; providing for the collection of such tax, for the keeping of records, reporting of sales, defining the duties of the State Tax Commission, and requiring reports to be made to the State Tax Commission, by railroads and other persons, firms or corporations showing the transportation and delivery of gasoline; exempting gasoline from local excise and license taxes; the distribution and use of the revenue derived therefrom, the administration of said laws, fixing fines and penalties for the violation of this act; repealing Chapter 127 of the Acts of 1928, and Chapter 153 of the Acts of 1930, both of said chapters constituting the present Gasoline Tax Law.

Said bill reads as follows:

GASOLINE TAX LAW

§ 1. That the word "gasoline" as used in this act shall include all liquid fuels, including liquids ordinarily, practically and commercially usable in internal combustion engines for the generation of power, and all distillates of, and condensates from petroleum, natural gas, coal, coal tar, vegetable ferments, and all other products, so usable and sold in this Commonwealth at wholesale, as the words "at wholesale" are defined herein, except kerosene, fuel oil and crude oil as such. A State tax of five (5) cents per gallon is hereby imposed on all gasoline, as defined herein, sold in this Commonwealth at wholesale as the words "at wholesale" are hereinafter defined. No other excise or license tax shall be levied or assessed on gasoline by the State or any county, city, town or other district. The tax hereby provided for shall be paid by the person, firm, association or corporation so selling gasoline, and shall be paid by said person, firm, association or corporation into the general fund of the State

Treasury in the manner and within the time hereinafter specified. The words "at wholesale", as used in this act shall be held and construed to mean and include any and all sales made for the purpose of re-sale, or distribution, or for use, and, as well, the gasoline furnished or supplied for distribution within this State whether the distributor be the same person who so furnished the same, his agent or employe, or another person; and also to mean and include any person who shall purchase or obtain gasoline without the State and sell or distribute or use the same within the State. Provided, that nothing herein contained shall be construed as authorizing or requiring the collection of such tax upon any gasoline after the same shall have been already once taxed under the provision of this act, and the words "at wholesale" shall not apply to any gasoline which has been so taxed.

§ 2. All taxes collected under the provisions of this act shall be paid into the State Treasury, and shall be used only for the purpose of the construction, reconstruction, maintenance, and repair of roads, highways, and bridges.

§ 3. (a) Every person, or the treasurer or other proper officer or agent of every association, co-partnership or corporation selling gasoline at wholesale, as defined herein, shall keep and preserve, for a period of two (2) years, an accurate record of all such sales distribution, receipts, and uses of gasoline, together with invoices, bills-of-lading, and other pertinent records and papers as may be required by the State Tax Commission; and shall on or before the last day of each month transmit to the State Tax Commission a statement, under oath or affirmation, on such forms as the State Tax Commission may prescribe, of the total number of gallons of gasoline sold, distributed or used in each county of the state from their respective place or places of business so registered under the provisions of section seven a (7a) hereof during the preceding calendar month, which gallons are made taxable by this act, and shall accompany said report by a certified or cashier's check, payable to the State Treasurer of Kentucky, for the amount of

tax due for such preceding calendar month. It shall be the duty of every person, purchasing gasoline taxable under this act from an "at wholesale" dealer for the purpose of resale, to maintain and keep for a period of one (1) year a record of gasoline received, the amount of tax paid to the dealer as part of the purchase price, together with delivery tickets, invoices, bills-of-lading, and such other records as the State Tax Commission shall require.

(b) Every person, association, co-partnership, or corporation, operating a refinery for the production of gasoline within the State of Kentucky, and selling gasoline for delivery to points within the state of Kentucky, shall collect and pay to the State Treasurer all taxes assessed under this act, on such gasoline. The State Tax Commission, in computing the amount of tax due under this act, shall make an allowance of one percent for leakage, evaporation, bad debts and collection costs.

(c) Every person, association, co-partnership or corporation, operating a refinery in this state, shall keep and preserve an accurate record of all such sales, distribution, manufacture, and uses of gasoline within the state of Kentucky, and all shipments of gasoline to points outside the state, and shall, not later than the tenth day of the month, make a report to the State Tax Commission, of all gasoline shipped to points in the state, and all shipments of gasoline to points outside the state, during the preceding calendar month, giving the date of shipment, car number and initial, net gallons, and the name of the person, firm or corporation to whom shipped.

(d) The State Tax Commission shall allow to every person, association, co-partnership, or corporation operating a refinery in Kentucky for keeping a record of the sale and shipments of gasoline, as provided herein, and for collecting and paying the tax thereon, one per cent of such tax reported and paid.

(e) If any person, association, co-partnership or cor-

poration shall purchase gasoline outside the state of Kentucky, for the sale within the state of Kentucky, such purchaser shall, on or before the last day of each month in which such gasoline is received, transmit to the State Tax Commission a statement, under oath or affirmation, on such forms as the State Tax Commission may prescribe, of the total number of gallons of gasoline so purchased and received for sale in Kentucky, during the month next preceding, and shall accompany said report by a certified or cashier's check, payable to the State Treasurer of Kentucky, for the amount of tax due on such gasoline received provided that the State Tax Commission in computing the amount of such tax shall make an allowance of one per cent for leakage, evaporation, bad debts, collection costs, handling and reporting the tax. Provided that such allowance shall be made only on gasoline purchased in carload quantities.

(f) Every railroad or other transportation company and every other person, firm, association, partnership or corporation transporting gasoline as defined in Section 1 of this act by whatsoever manner from without the state to points within this state, or between points within the state, shall report to the State Tax Commission, on forms prescribed by the Commission, showing the name and address of each person, firm or corporation to whom deliveries of gasoline have been made, the name and address of the original consignee, if deliveries are made to any other than the original consignee, the name and address of the consignor, the point of origin, the point of delivery, the date of delivery, the number and initials of each car, if shipped by rail, the quantity of each shipment and delivery in gallons, the manner of shipment and delivery, and such other information as the State Tax Commission may require relative to the transportation and delivery of such gasoline. Such reports are to include intra-city switching movements of gasoline in tank cars or otherwise. Such reports shall be made under oath and shall be filed on or before the last day of every month covering all such deliveries made within the State during the preceding calendar month.

(g) The State Tax Commission of the state of Kentucky

shall, upon request duly received from the officials to whom are entrusted the enforcement of the gasoline tax laws of any other state, forward to such officials any information which it may have in its possession relative to the manufacture, receipt, sale, use, transportation and/or shipment by any person of gasoline.

(h) By virtue of the allowance provided here-in to "at wholesale" dealers for collecting the tax and remitting the same to State Tax Commission, every "at wholesale" dealer is a trust officer of the State, and failure to remit gasoline tax to the state as provided herein constitutes embezzlement of state funds, and upon conviction under this section any individual, or partner, or officer, or agent of any association, partnership or corporation shall be guilty of a misdemeanor and shall be fined not exceeding one thousand dollars ($1000.00) or imprisoned in the county jail not exceeding six months, or both so fined and imprisoned, and upon conviction on a second offense under this section, shall be guilty of a felony and shall be imprisoned for not less than one year or more than five years in the state prison.

§ 4. If any such person, association, co-partnership or corporation neglects or refuses to make said return, or pay the tax at the time hereinbefore provided, the amount thereof, with an addition of a penalty of twenty per centum thereof, with interest at the rate of six per cent per annum from the date when due until paid, shall be paid on an account settled by the State Tax Commission, as other taxes are paid, settled and collected; and, if collected by proceedings in any court, an additional penalty of twenty per centum shall be collected as is authorized to be collected in revenue agents proceedings under Section 4263-4 of the Kentucky Statutes.

The said twenty per centum penalty thereon and interest due shall be paid into the State Treasury as part of the tax, and the twenty per centum penalty collected in revenue agents' proceedings shall be distributed as provided in Section 4263-4 of the Kentucky Statutes.

§ 5. The State Tax Commission, or any assistant or representative thereof, appointed in writing by it, is hereby authorized to examine the books, records, papers, files and equipment of any person, association, co-partnership or corporation pertaining to the business made taxable by this act, and to that end, shall have the power to examine witnesses under oath to verify the accuracy of any return made under the provisions of this act, or to ascertain whether or not any tax is due by any person, association, co-partnership or corporation under the provisions of this act, and in the collection of said tax, the State Tax Commission shall have the power to institute legal proceedings for the purpose of ascertaining the amount of tax due and the collection thereof with the penalties thereon, and the State Tax Commission shall be vested with all the powers under the law of the state for the collection of taxes. The State Tax Commission may, at or after the commencement of an action for the purpose of collecting the amount of tax due and penalties and interest due thereon as set out herein have an attachment against the property of the defendant, including garnishees, without the execution of a bond upon the filing of an affidavit showing the nature of the claim, that it is just, the sum which the State Tax Commission believes the plaintiff ought to recover and that the collection of the demand will be endangered by delay in obtaining judgment or a return of no property found. Any information gained by the State Tax Commission or any assistant agent or representative thereof, as a result of the reports, investigations or verifications herein required to be made, shall be confidential, and any person divulging such information shall be guilty of a misdemeanor, and, upon conviction, shall be fined not exceeding five hundred dollars ($500); providing, however, that this prohibition shall not extend to information required in prosecutions for making false reports or returns or in the preparation and prosecution of legal proceedings for the collection of any tax due under the provisions of this act, or any prosecutions for any other infraction of the tax laws of this state. If any witness shall fail or refuse to appear at the request of the State Tax Commission, or refuse access to any books,

records, files, papers, or equipment, the State Tax Commission shall certify such fact and the name of the witness, or witnesses, so failing and refusing to appear, or refusing access to any books, records, papers, files or equipment to the circuit court of the county having jurisdiction of the matter, and said court shall thereupon issue a summons for the said party to appear at a place designated within the jurisdiction of the court on a day fixed, and give such evidence and open for inspection such books, records, files and papers as may be required for the purposes of ascertaining whether or not any return so made is true and correct, or whether or not any person, association, co-partnership or corporation has failed or refused to make a true and correct return under the provisions of this law; and the circuit court shall have in any such proceeding all the power of a court of equity in punishing for contempt. In order that the State Tax Commission may have additional means of checking up the accuracy of the reports made, and determining the amount of tax due by any person, association, co-partnership or corporation, the records, books, and other documents of common carriers, relative to the transportation of gasoline, are hereby declared to be accessible to the State Tax Commission.

§ 6. Any person, association, co-partnership or corporation, or any officer, director, trustee, or member of any association, co-partnership or corporation, who shall fail, neglect or refuse to make the returns and pay the tax herein prescribed, or shall refuse to permit the State Tax Commission, its assistants, agents or representatives appointed by it in writing, to examine the books, records, papers, files and equipment of such person, association, co-partnership or corporation pertaining to the business made taxable by this act, or who makes any incomplete, false or fraudulent return hereunder, or who does, or attempts to do, anything whatever to avoid a full disclosure of the amount of business done or to avoid the payment of the whole or any part of the tax or penalties due, or who shall fail to preserve records of gasoline manufactured, received, used, sold or delivered, as provided in this act, shall be guilty of a misdemeanor, and upon conviction, shall be fined not exceeding one thousand dollars

($1,000.00), and in the case the offender is an individual, he may be imprisoned in the county jail not exceeding six months, or both so fined and imprisoned. Such penalty shall be in addition to the penalty imposed hereinbefore in Section 4 of this act.

§ 7a. On and after 30 days after this act shall go into effect, it shall be unlawful for any "at wholesale" dealer to receive, use, sell or distribute any gasoline or to engage in the sale of gasoline within this state unless such dealer is the holder of an uncancelled license issued by the State Tax Commission to engage in such business. To procure such license every dealer shall file with the State Tax Commission an application under oath or affirmation and in such form as the State Tax Commission may prescribe, setting forth:

a. The name under which the dealer will transact business within the State of Kentucky;

b. The location, with street number address, of its principal office or place of business within this state; and if such dealer has more than one place of business within the state, the locations of each place of business;

c. The name and complete residence address of the owner or the names and addresses of the partners, if such dealer is a partnership, or the names and addresses of the principal officers, if such dealer is a corporation or association; and if such dealer is a corporation organized under the laws of another state, territory or country, it shall also file with such application a certified copy of the certificate or license issued by the secretary of state of Kentucky showing that such corporation is authorized to transact business in the state of Kentucky. Upon the filing of an application for a license, and concurrently therewith, a bond of the character stipulated and in the amount provided for in Section 7-b of this act, shall be filed with the State Tax Commission. No license shall be issued upon any application unless accompanied by such a bond. In the event that any application for

a license certificate to transact business as a dealer in the state of Kentucky shall be filed by any person whose license shall at any time heretofore have been cancelled for cause by the State Tax Commission, or in case said State Tax Commission shall be of the opinion that such application is not filed in good faith, or that such application is filed by some person as a subterfuge for the real person in interest whose license or registration shall theretofore have been cancelled for cause by said State Tax Commission, then and in any of said events the State Tax Commission, after a hearing, of which the applicant shall have been given five (5) days' notice in writing and in which said applicant shall have the right to appear in person or by counsel and present testimony, shall have and is hereby given the right and authority to refuse to issue to such person a license certificate to transact business as a dealer in the state of Kentucky. The application in proper form having been accepted for filing, and the bond having been accepted and approved, the State Tax Commission shall issue to such dealer a license certificate to transact business as a dealer in the State of Kentucky, subject to cancellation of such license as provided by law. The license certificate so issued by the State Tax Commission shall not be assignable, and shall be displayed for the dealer in whose name issued, and shall be displayed conspicuously in the principal place of business of said dealer in the State of Kentucky. The State Tax Commission shall keep and file all applications and bonds with an alphabetical index thereof, together with a record of all licensed dealers.

(b) Every "at wholesale" dealer shall file with the State Tax Commission a bond in the minimum amount of $5,000.00 and up to a maximum amount sufficient in the opinion of the State Tax Commission, the financial rating and reputation of the company considered, to insure payment to the State of Kentucky of the amount of tax and any penalties and interest for which the dealer may become liable, on a form to be approved by the State Tax Commission and with a surety company approved by the State Tax Commission as surety thereon, and upon which such dealer shall be the prin-

cipal obligor and the state of Kentucky shall be the obligee, conditioned upon the prompt filing of true reports and the payment by such dealer to the treasurer of the State of Kentucky of any and all gasoline excise taxes which are now or which hereafter may be levied or imposed by the state of Kentucky together with any and all penalties and/or interest thereon, and generally upon faithful compliance with the provisions of this act. In the event that liability upon the bond thus filed by the dealer with the State Tax Commission shall be discharged or reduced, whether by judgment rendered, payment made or otherwise, or if in the opinion of the State Tax Commission any surety on the bond theretofore given shall have become unsatisfactory or unacceptable, then the State Tax Commission may require the dealer to file a new bond with satisfactory sureties in the same amount, failing which the State Tax Commission shall forthwith cancel the license certificate of said dealer. If such new bond shall be furnished by said dealer as above provided, the State Tax Commission shall cancel and surrender the bond of said dealer for which such new bond shall be substituted. In the event that upon hearing, of which the dealer shall be given five (5) days' notice in writing, the State Tax Commission shall decide that the amount of the existing bond is insufficient to insure payment to the State of Kentucky of the amount of the tax and any penalties and interest for which said dealer is or may at any time become liable, then the dealer shall forthwith, upon the written demand of State Tax Commission file an additional bond in the same manner and form with a surety company thereon approved by the State Tax Commission in any amount determined by the State Tax Commission to be necessary to secure at all times the payment by such dealer to the State of Kentucky of all taxes, penalties, and interest due under the provision of this act, failing which, the State Tax Commission shall forthwith cancel the license certificate of said dealer. Any surety on any bond furnished by any dealer as above provided shall be released and discharged from any and all liability to the State of Kentucky accruing on such bond after the expiration of sixty (60) days from the

date upon which such surety shall have lodged with the State Tax Commission written request to be released and discharged. Provided, however, that such request shall not operate to relieve, release or discharge such surety from any liability already accrued, or which shall accrue, before the expiration of said sixty-day period. The State Tax Commission shall promptly on receipt of notice of such request notify the dealer who furnished such bond, and, unless such dealer shall on or before the expiration of such sixty-day period file with the State Tax Commission a new bond with a surety company satisfactory to the State Tax Commission in the amount and form hereinbefore in this section provided, the State Tax Commission shall forthwith cancel the license of said dealer. If such new bond shall be furnished by said dealer as above provided, the State Tax Commission shall cancel and surrender the bond of said dealer for which such new bond shall be substituted.

(c) If an "at wholesale" dealer shall at any time file a false monthly report of the data or information required by this act, or shall fail, refuse or neglect to file the monthly report required by this act, or to pay the full amount of the tax as required by this act, the State Tax Commission may forthwith cancel the license of said dealer and notify such dealer in writing of such cancellation by registered mail to the last known address of such dealer appearing on the files of the State Tax Commission. The State Tax Commission is hereby given the power to cancel any license hitherto or hereafter issued to any dealer, such cancellation to become effective sixty (60) days from the date of receipt of the written request of such dealer for cancellation thereof or said State Tax Commission may cancel the license of any dealer upon investigation and sixty (60) days' notice mailed to the last known address of such dealer if it shall ascertain and find that the person to whom such license has been issued is no longer engaged in the receipt, use or sale of gasoline as a dealer, and has not been so engaged for the period of six (6) months prior to such cancellation. But no such license shall be cancelled upon the request of any dealer until and unless

the dealer shall, prior to the date of such cancellation, have paid to the State of Kentucky all excise taxes payable under the laws of the State of Kentucky together with any and all penalties and fines accruing by reason of any failure on the part of said dealer to make accurate reports as required by this act and/or to pay said taxes and/or penalties. In the event that the license of any dealer shall be cancelled by the State Tax Commission as hereinbefore in this section provided, and in the further event that said dealer shall have paid to the State of Kentucky upon the receipt, sale or use of gasoline, together with any and all penalties accruing by reason of any failure on the part of said dealer to make accurate reports or to pay said tax and/or penalties, then the State Tax Commission shall cancel and surrender the bond theretofore filed by said dealer.

(d) Any person who shall engage in business in the State of Kentucky as an "at wholesale" dealer without being the holder of an uncancelled license to engage in such business, or who shall, without such license, sell any gasoline upon which the tax herein imposed shall not have been reported and paid, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00) or by imprisonment in the county jail for not less than thirty (30) days nor more than one (1) year or both so fined and imprisoned in the discretion of the jury. Each day or part thereof during which any person shall engage in business as a dealer without being the holder of an uncancelled license shall constitute a separate offense within the meaning of this section.

§ 8. It shall be the duty of the State Tax Commission to administer and enforce the provisions of this act, and it is hereby authorized and empowered to prescribe all blanks, forms and reports necessary to carry out the provisions of this act. It shall certify each month to the State Auditor the total amount of tax paid or collected from each wholesale dealer during the preceding month under the provisions of

this act, and shall accompany said certification with the checks received by it for the payment of said tax and penalties, if any. All costs and expenses incurred by the State Tax Commission in the administration of this act shall be paid out of the funds collected hereunder.

§ 9. No suit shall be maintained in any court to restrain or delay the collection or payment of the tax herein imposed upon any ground whatever, but the aggrieved taxpayer shall pay the taxes when due, and if paid under protest may at any time within two years from the date of such payment sue the Auditor of Public Accounts in an action of law to recover the tax so paid, with legal interest thereon from the date of payment. If it is legally determined that said tax, or any part thereof, was wrongfully collected for any reason, it shall be the duty of the Auditor of Public Accounts then in office to issue his warrant on the treasurer of the Commonwealth of Kentucky for the amount of such tax so adjudged to have been wrongfully collected, together with interest thereon, and the treasurer shall pay same out of the public road fund of the state. A separate suit need not be filed for such separate payment made by any taxpayer, and a recovery may be had in one suit for as many illegal payments as may have been made, and which are not barred by the limitation of two years herein imposed.

§ 10. The provisions of this act are severable and if any of its provisions or any penalty provided by this act shall be held unconstitutional, such provision or the particular penalty held to be invalid shall not affect or impair the remainder of the act or such part of the penalties as are not held to be invalid and the decisions of the courts shall not affect or impair the remaining provisions of this act or any of the other penalties anywhere in this act provided. It is hereby declared as a legislative intent that this act would have been adopted had any unconstitutional provisions or such invalid penalties not been included therein.

§ 11. All of the provisions of Chapter 127 of the Acts

of the General Assembly of 1928 and of Chapter 153 of the Acts of the General Assembly of 1930 are hereby repealed and this act is enacted in lieu of all of said acts and shall constitute and embrace all of the laws of this Commonwealth imposing any tax on gasoline.

§ 12. Whereas, the new provisions of this act are designed to strengthen the administrative features of the gasoline tax law and to prevent the evasion of the tax which may be practiced under the present law due to the fact that no penalties are provided for failure to execute bond, an emergency is declared to exist and this act shall take effect from and after its passage and approval by the Governor.

H. B. 231. An Act establishing as a part of the highway system of highways of the Commonwealth of Kentucky, a road beginning at Waterview, Cumberland county, and leading to Black's Ferry, Monroe County via Cloyd's Landing.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That there is hereby created and established as a part of project 40½ of the state highways of the Commonwealth of Kentucky, a road beginning at Waterview, Cumberland County, and leading to Black's Ferry, Monroe County, via Cloyd's Landing.

H. B. 357. An Act relating to roads and bridges and establishing as a part of the primary system of the state highways a road leading from Fern Lake in Bell County, Kentucky, near the state line between Kentucky and Tennessee to a point on the Harlan to Pennington road in Harlan County, and designating said road as ..... Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That there is hereby established as a part of the primary system of the state highways a road leading from Fern Lake near the Tennessee-Kentucky state line; thence in an easterly direction along little Yellow Creek by way of Bartlett Park to U. S. Highway No. 25-E; thence in a southernly direction along the said U. S. Highway No. 25-E to a point on the side of Pinnacle Mountain where the Sugar Run road intersects with U. S. Highway No. 25-E; thence in a northeasterly direction to a point on the Harlan to Pennington highway; and said road shall be designated as Project No. — and be entitled to and receive all the benefits of such laws as are now or may hereafter be in effect with relations to the primary system of roads.

§ 1. That in recognition of the more than fifty years of faithful services rendered by the Hon. Ben Johnson to the Commonwealth of Kentucky with great honor and distinction that this project be named the "Ben Johnson Trail of the Wild, Rugged and Beautiful Cumberlands."

H. B. 430. An Act to establish as a part of the State primary road system. Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Road beginning at a point in U. S. Highway No. 31 west near Dillard's garage and running in an eastwardly direction via Rich Pond, Skiles Pond and Willard Taylor farm and intersecting Matlock Pike and then northwardly along said pike.

H. B. 458. An Act relating to roads and highways, and describing and establishing a project to be added to the State primary system of roads and highways, running from the Congleton farm on the Beattyville and Booneville highway to a point where the new road from Heidelberg connects with State Highway No. 52 at or near the top of Hatton Hollow Hill, via Idaman, Carryton, Pryse Brandenburg's store and Heidelberg.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

There is hereby established as a part of the primary system of highways in this Commonwealth, as created by Chapter 17, of the acts of the General Assembly of 1920, and amended by Session Acts of 1922, 1924, 1926 and 1928, the following project:

Beginning at the Congleton farm on the Beattyville and Booneville highway in Lee County; thence running to Idamay; thence down Duck Fork of Sturgeon Creek, on the right hand side of the Louisville and Nashville Railroad at Carryton; thence crossing said railroad at or near Pryse Brandenburgh's store; thence running so as to cross the Kentucky River bridge into Heidelberg; thence through Heidelberg, and following substantially the new road leading from Heidelberg to State Highway No. 52, at or near the top of Hatton Hollow Hill, connecting with State highway, all of said road being in Lee County.

This road thus established to be designated as Project No. —, and to be entitled to and receive all benefits of such laws as are now or may hereafter be in effect relating to the primary system of highways in the Commonwealth of Kentucky.

H. B. 459. An Act relating to roads and highways, and describing and establishing a road project to be added to the State primary system of roads and highways running from the present State highway at the bridge at St. Helens, Lee County, running so as to intersect with the proposed State highway between Beattyville and Pine Ridge, at a point some distance east of where W. B. Bush now lives, substantially via the present county road leading toward Campton, in Wolfe County.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That there is hereby established as a part of the primary system of highways in this Commonwealth, as created by Capter 17 of the Acts of the General Assembly of 1920 and amended by Session Acts of 1922, 1924, 1926 and 1928, the following project:

Beginning and intersecting with the State highway at the bridge at St. Helens, Lee County, Kentucky, and running substantially with the present county road leading toward Campton, Wolfe County, Kentucky, so as to intersect the proposed State highway running between Beattyville and Pike Ridge, connecting with said proposed State highway some distance east of where W. B. Bush now lives, in Wolfe County.

This road thus established to be designated as Project No. —, and to be entitled to and receive all benefits of such laws as are now and may hereafter be in effect relating to the primary system of highways in the Commonwealth of Kentucky.

H. B. 460. An Act relating to roads and highways, and describing and establishing as project to be added to the State primary system of roads and highways, beginning at Oakdale, in Breathitt County, and running to where Dr. Granville Turner now lives and intersecting there with the survey running to Buck Horn, in Perry County, via Punching Camp Creek, Shoulder Blade Mission, the Middle Fork of the Kentucky River, mouth of Canoe Creek and the mouth of Long's Creek.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That there is hereby established as a part of the primary system of highways in this Commonwealth, as created by Chapter 17 of the Acts of the General Assembly of 1920 and amended by Session Acts of 1922, 1924, 1926 and 1928 the following project:

Beginning at Oakdale, in Breathitt County, thence to the mouth of Jerry Fork of Punching Camp Creek; thence up Punching Camp Creek to opposite the road that leads to Shoulder Blade Creek; thence running to the Shoulder Blade Mission; thence running to the waters of Middle Fork of the Kentucky River; thence running up the Middle Fork of the Kentucky River to the mouth of Canoe Creek; thence crossing the bridge and running up the Middle Fork of the Kentucky River to the mouth of Long's Creek; thence running up Long's Creek to the forks where Dr. Granville Turner now lives, intersecting there with the survey running to Buckhorn, Perry County, a distance of approximately twenty (20) miles, all of said road being in Breathitt County.

This road thus established to be designated as Project No. —, and to be entitled to and receive all benefits of such laws as are now or may hereafter be in effect relating to the primary system of highways in the Commonwealth of Kentucky.

H. B. 461. An Act establishing as a part of the primary system of State highways of this Commonwealth a road leading from the Cairo road at Temple's Mill to Barlow where it intersects U. S. 60.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That there is hereby established as a part of the primary system of State highways of this Commonwealth a road beginning at Temple's Mill on the Cairo road by the way of

Grahamville, Rosington, Ragland, through Ballard County, via Bandana, Oscar and LaCenter to Barlow where it intersects U. S. 60. This road is known as the Ogden Landing road.

H. B. 462. An Act establishing as a part of the system of State highways of the Commonwealth of Kentucky a road leading from the corporation limits of Paducah to a point on the Graves County line.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That there is hereby established as a part of the system of State highways of the Commonwealth of Kentucky a road leading from the corporation limits of the city of Paducah in McCracken County by way of Florence Station to a point on the Graves County line. This road is known as the old Mayfield road.

H. B. 463. An Act establishing as a part of the primary system of State highways of the Commonwealth of Kentucky a road leading from Woodlawn schoolhouse in McCracken County on U. S. 60 leading to the Graves County line via Oak Station.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That there is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky a road leading from Woodlawn schoolhouse on U. S. 68 by the way of Oaks Station to the Graves County line. This road is now known as Oaks road.

H. B. 464. An Act establishing as a part of the system of State highways of this State a road from Lovelaceville to Leader Bottom of this State.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That there is hereby established as a part of the system of State highways of the Commonwealth of Kentucky a road leading from Lovelaceville, Ky., to a point intersecting U. S. 68 at Leader Bottom. This road is the dividing line between McCracken and Graves counties and known as the County Line road.

H. B. 465. An Act establishing as a part of the primary system of State highways of this Commonwealth a road leading from Loanoak to Liberty Church in Graves County, Kentucky.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That there is hereby established as a part of the primary system of State highways in this Commonwealth a road leading from Loanoak on U. S. 45 extending via Melber to an intersection on U. S. 45 near Liberty Church in Graves County.

H. B. 478. An Act creating and establishing as a part of the State primary system of roads and highways, a road project leading from Cox's Creek in Nelson County, Kentucky, to a point near Taylorsville, on the Taylorsville and Bardstown road, via Fairfield and Little Union Church.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby created and established as a part of the primary system of roads and highways of the Commonwealth of Kentucky, a road leading from Cox's Creek in Nelson County, Kentucky, to a point near Taylorsville, on the Taylorsville and Bardstown road, via Fairfield and Little Union Church.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to and controlled by all the terms set out and provided for in Chapter 17 of the General Assembly of 1920, established and creating a primary system of roads, the same as though said road had been named in said original act as one of the projects of said primary system of the Commonwealth of Kentucky.

H. B. 479. An Act creating and establishing as a part of the State primary system of roads and highways, a road project leading from Lebanon Junction, Bullitt County, Kentucky, to Wooldridge Ferry, via Newman's farm.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby created and established as a part of the primary system of roads and highways of the Commonwealth of Kentucky, the road leading from Lebanon Junction, Bullitt County, Kentucky, to Wooldridge Ferry, via Newman's farm.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to and controlled by all the terms set out and provided for in Chapter 17 of the General Assembly of 1920, establishing and creating a primary system of roads, the same as though said road had been named

in said original act as one of the projects of said primary system of the Commonwealth of Kentucky.

H. B. 480. An Act creating and establishing as a part of the State primary system of roads and highways, a road project leading from Rocky Hill, Edmonson County, Kentucky, via Merry Oaks, Barren County, Kentucky, to the highway leading from Bowling Green, Warren County, Kentucky, to Glasgow, Barren County, Kentucky.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby created and established as a a part of the primary system of roads and highways of the Commonwealth of Kentucky, beginning at Rocky Hill, Edmonson County, Kentucky, via Merry Oaks, Kentucky, to Bon Aire, Ky., intersecting there with the highway leading from Glasgow, Ky., to Bowling Green, Ky.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to and controlled by all the terms set out and provided for in Chapter 17 of the General Assembly of 1920, establishing and creating a primary system of roads, the same as though said road had been named in said original act as one of the projects of said primary system of the Commonwealth of Kentucky.

H. B. 482. An Act establishing as a part of the primary system of State highways a road from mouth of Brushy to mouth of Turkey Creek in Pike County.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there be established as a part of the primary

road system of State highways of the Commonwealth of Kentucky a road beginning at a point on State Project No. —— on Johns Creek at the mouth of Brushy Creek and thence up Brushy Creek and by the most practical route to Rockhouse Creek and thence down Rockhouse Creek to Big Creek; thence down Big Creek to Long Branch; thence up Long Branch to Nausbon Fork and up same and across the mountain to Nausbon Fork of Turkey Creek and down said fork to Turkey Creek and down same to the mouth thereof at a point on State Project No. ——, in Pike county.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly, 1920, establishing and creating a primary system of State highways.

H. B. 483. An act establishing as a part of the primary system of State highways, a road from a point on State Project No. 82 at the mouth of Road Fork of Big Creek; thence running down Big Creek to the mouth thereof intersecting with State Project No. —— in Pike Co.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there be established as a part of the primary road system of the State highways of the Commonwealth of Kentucky, a road beginning at a point on Kentucky State Project No. 82, at the mouth of the Road Fork of Big Creek in Pike county, Kentucky; thence running down Big Creek to the mouth thereof, intersecting with State Project No. ——.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly, 1920, establishing and creating a primary system of State highways.

H. B. 484. An act establishing as part of the primary system of State highways of the Commonwealth of Kentucky a road from a point on the Pikeville-Williamson highway, State Route No. 82, near the mouth of Blackberry Fork of Pond Creek, in Pike county, to a point on the State line between Kentucky and Virginia on Knox Creek in said county.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there be established as a part of the primary road system of State highways of the Commonwealth of Kentucky, a road beginning at a point on Kentucky Route 82, at the mouth of Blackberry Fork of Pond Creek in Pike county; thence up Blackberry Fork of Pond Creek across the mountain to Blackberry Creek; thence running up Blackberry Creek to the forks of said creek; thence up the left hand fork to the mouth of Sang Camp Branch; thence across the mountain to Calloway Creek and down Calloway Creek to the road fork of Peter Creek; thence down the road fork of Peter Creek to the forks of said creek; thence up Peter Creek to the Joe Preece branch; thence up Joe Preece branch crossing the mountain and down Turkey Creek to Knox Creek; thence up Knox Creek to the Virginia State line.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly, 1920, establishing and creating a primary system of State highways.

H. B. 485. An act establishing as part of the primary system of State highways, a road beginning at a point on State Project No. —— at the mouth of Turkey Creek, in Project No. 82, at or near the bridge at the mouth of Road Fork of Big Creek.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there be established as a part of the primary road system of State highways of the Commonwealth of Kentucky, a road from a point on State Project No. —— at the mouth of Turkey Creek, just below South Williamson in Pike County; thence up Turkey Creek to and through the Turkey Gap and around the head of Long Branch of Big Creek through the Sucky Gap; thence the most practical route to State Project 82 at or near the mouth of Road Fork of Big Creek.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly, 1930, establishing and creating a primary system of State highways.

H. B. 487. An act to establish as a part of the primary system of State highways of the Commonwealth of Kentucky, a road beginning at a point near Black Gnat School House and Church, a point near Highway No. 1 in Green County, highway of Whitewood to R. A. White's farm in Green County, a distance of approximately two and a half miles.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

There is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky a road beginning at a point near Black Gnat School House and Church, a point near Highway No. 1 in Green County, by way of Whitewood to R. A. White's farm in Green County, a distance of approximately two and a half miles.

The construction, maintenance, supervision and control of said highway shall be subject to all of the terms and conditions as provided by law establishing and creating the primary system of State highways.

H. B. 488. An act establishing as a part of the primary system of State highways a road leading from Pike View on the Jackson Highway to Bonnieville, Hart County, on the Dixie Highway by way of Hammonville, Hart County.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. There is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky a road leading from Pikeview on the Jackson Highway to Bonnieville, Hart County, on the Dixie Highway, by way of Hammonville, Hart County.

§ 2. The construction, maintenance, supervision and control of said highway shall be subject to all of the terms and conditions as provided by law establishing and creating the primary system of State highways.

H. B. 489. An act establishing a primary road project beginning at Vernon, Kentucky, by way of Cumberland River to Tennessee line.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. There be and is now established, a part of the primary road system of the Commonwealth of Kentucky, a road beginning at or near Vernon, Kentucky, thence down the Cumberland River to the Tennessee state line.

H. B. 490. An act to establish as part of the primary system of State highways of the Commonwealth of Kentucky, a road running from the foot of Stone Hill in Lewis County to the mouth of Wesleyville in Carter County.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That there is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky, a road running from the foot of Stone Hill; thence up Scott's Branch to the top of the hill; thence around the ridge past the Stafford's hill school house; thence down Buffalo Creek to the mouth of Wesleyville. A total distance of approximately eight (8) miles. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920 establishing and creating a primary system of State highways.

H. B. 495. An act establishing as part of State primary road system a road leading from Spring Lick P. O. via Spring Lick School to U. S. Highway 62, a distance of about one and one-tenth miles.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby established as part of the State primary road system, a road beginning at the Spring Lick post office via Spring Lick School thence to Highway U. S. 62, a distance of about one and one-tenth miles.

§ 2. The said road to have and receive all the benefits as set out in Chapter 17, Acts of the 1920 General Assembly.

H. B. 496. An act establishing as part of the primary road system a road beginning about one and one-half miles east of McDaniels on the highway thence south via Calvert's Chapel, crossing Rough River at Kiper Ford, by Duff, thence to No. 45, Hartford Road.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby established as part of the State primary road system, a road beginning at about one and one-half miles east of McDaniel's on the highway, thence south via Calvert Chapel, crossing Rough River at Kiper Ford by Duff, thence to No. 45 Hartford Road.

§ 2. The said road to have and receive all the benefits as set out in Chapter 17, Acts of the 1920 General Assembly.

H. B. 501. An act establishing a road from New Haven in Nelson County, Kentucky, by way of Roanoke to Elizabethtown in Hardin County, Kentucky, as a State primary road, and designating said road as Project No. ——.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky a road leading from the intersection of State Highway No. 52 with Highway No. 31E in New Haven, Nelson County, Kentucky, the same being near what is known as Knob Creek Farm of the Lincoln's, by way of Roanoke to Elizabethtown, Hardin County, Kentucky.

The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions

as set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of State highways.

§ 2. Said project shall be designated and known as Project No. ——.

H. B. 503. An act establishing as a part of the primary system of State highways a road beginning at or near Costlow on the Hartford road, then as near as practicable with said road through Homer to the intersection of the Hartford, Morganstown-Russellville road, about four miles north of Russellville.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*:

§ 1. There is hereby established as a part of the primary system of the State highways of the Commonwealth of Kentucky a road beginning at or near Costelow on the Hartford road, then as near as practicable with said road through Homer to the intersection of the Hartford-Morgantown-Russellville road, about four miles north of Russellville.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to and controlled by the provisions of Chapter 17 of the Acts of the General Assembly, as amended, to the same effect as if said road has been named in the original act as one of the projects of the primary system of State highways as provided therein.

H. B. 504. An act to establish as a part of the primary road system of the State highways of the Commonwealth of Kentucky, a road leading from Auburn, Ky., to Cavett Store, to connect with the Proctor Mill road.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*:

§ 1. That there be and now is established as a part of the primary road system of the Commonwealth of Kentucky a road beginning at Auburn, Kentucky, to Cavett Store, to connect with the Proctor Mill road.

§ 2. That the construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions as set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary road system of State highways.

H. B. 505. An act establishing as a part of the primary system of State highways a road beginning at the city limits of Auburn, Ky., thence to Middleton, Kentucky, in Simpson County, to connect with the Russellville and Franklin road.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*:

§ 1. There is hereby established as a part of the primary system of the State highways of the Commonwealth of Kentucky a road beginning at the city limits of Auburn, Kentucky, thence to Middleton, Kentucky, in Simpson County, to connect with the Russellville and Franklin road.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to and controlled by the provisions of Chapter 17 of the Acts of the General Assembly as amended, to the same effect as if said road had been named in the original act as one of the projects of the primary system of State highways as provided therein.

H. B. 506. An Act to add to the primary system of public highways a road leading from the Butler County line at or near Richelieu and following as near as practical the

Proctor Mill road to the Morgantown-Russellville road at or near the W. T. Duncan farm.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That there is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky a road beginning at the Butler County line at or near Richelieu, and following as near as practical the Proctor Mill road to the Morgantown-Russellville road at or near the W. T. Duncan farm.

The construction, maintenance, supervision and control of said road shall be subject to, and controlled by all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of State highways, the same as though said road had been named in said original act as one of the projects of said primary system of highways.

H. B. 507. An Act establishing as a part of the primary system of State highways a road beginning at a point on the Proctor Mill road at Roscoe Hundley's corner, thence to the Morgantown road, near Old Chandler's Chapel.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. There is hereby established as a part of the primary system of the State highways of the Commonwealth of Kentucky a road beginning at a point on the Proctor Mill road at Roscoe Hundley's corner, thence to the Morgantown road, near Old Chandler's Chapel.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to and controlled by the provisions of Chapter 17 of the Acts of the General Assembly as amended, to the same effect as if said road had been named in the original act as one of the projects of the primary system of State highways as provided therein.

H. B. 508. An Act relating to roads and highways and establishing and creating a road project No. —, extending from U. S. Road No. 60 at Midland in Bath County to West Liberty in Morgan County, as a State primary road.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is established and created a road project No. —, extending from U. S. Road No. 60 at Midland in Bath County on the best and most direct route along the Licking River via Yale in Bath County to West Liberty in Morgan County.

§ 2. That said project thus established shall be a part of the primary road system of this Commonwealth and be entitled to all the benefits and subject to all laws now in existence or to be hereinafter enacted in relation to the same.

H. B. 509. An Act relating to roads and highways and creating and establishing a road project No. —, beginning at the Mormon Church on the Owingsville and Preston road in Bath County to Stepstone in Montgomery County as a State primary road.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is established and created a road project

No. —, beginning at the Mormon Church on the Owingsville and Preston road in Bath County and extending on the best and most direct route via Preston and Peeled Oak in Bath County and connecting with U. S. Road No. 60 at Ervington in Montgomery County.

§ 2. That said project thus established shall be a part of the primary road system of this Commonwealth and be entitled to all the benefits and subject to all laws now in existence or to be hereinafter enacted in relation to the same.

H. B. 510. An Act to amend Kentucky Statutes, Section 4356t-5, which is an act designating and establishing primary State roads by adding thereto project No. —, described as beginning at a point in road No. 37 at intersection near Ewings Ford, and running with county road, up Little Kentucky Creek, by the farms of Calvert, Abrams, Pearce Bros., Verd Stanley and Bob Greenwood, connecting with State highways No. —, near Sulphur, Ky.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That Kentucky Statutes, Section 4356t-5 be and the same is hereby amended by adding thereto Project No. —, beginning at an intersection in State Highway No. 37, near Ewings Ford in Trimble County, Kentucky, and running with the present county road up Little Kentucky Creek, by the farms of Calvert, Abrams, Pearce Bros., Bob Greenwood and Verd Stanley, connecting with State Highway No. —, near Sulphur, Ky.

H. B. 511. An Act establishing as part of the primary road system of Kentucky a road running from Pellyton in Adair County to a point in Liberty and Campbellsville road at or near Price's shop in Casey County.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That there is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky a road leading from Pellyton, in Adair County, Kentucky, to a point in, and intersecting with, the State highway leading from Liberty to Campbellsville at or near Price's shop. This project to follow as near as practicable the old Pellyton and Dunnville road from Pellyton to Riffe's Creek in Casey County and thence by way of Rheber to the point of intersection in the Liberty and Campbellsville highway.

The route thus established to be designated as Project No. —, and to be entitled to receive all benefits of such laws as are now or may hereafter be in effect with relation to the primary road system.

H. B. 512. An Act establishing as a part of the primary road system of the State of Kentucky a road running from Gravel Switch, Marion County, to a point in Hustonville and Bradfordsville road at Coffman's store, Casey County.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That there is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky a road leading from Gravel Switch, in Marion County, Kentucky, up Little South by way of Burnt Cabin Knob and Combest's store to a point in the Hustonville and Bradfordsville road at or near Coffman's store in Casey County, the road thus established shall be designated with an appropriate project number and be entitled to receive all benefits of such

laws as are now or may hereafter be in effect with relation to the primary road system of Kentucky.

H. B. 513. An Act relating to roads and bridges and establishing as a part of the primary system of State highways a road leading from the State bridge across the Kentucky River at Gratz, Ky., on the Owen County side of said bridge, thence in an easterly direction with State Highway No. 22 about one mile, thence in a southeast direction on the east side of the Kentucky River to and intersecting with the Federal highway at Monterey, Owen County, Kentucky, and designating the same as State Project No. —.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby established as a part of the primary system of State highways of Kentucky a road beginning at the State owned bridge on State Highway No. 22 across the Kentucky River at Gratz, Ky., on the Owen County side thereof, thence in an easterly direction with State Highway No. 22 about one mile, thence leaving Highway No. 22 and running in a southeasterly direction on the east side of the Kentucky River in Owen County, Kentucky, to, and intersecting with, U. S. Highway No. —, designated as Taft Memorial Highway, at or near Monterey, Owen County, Kentucky, and the said road shall be designated as Project No —, and be entitled to and receive all the benefits of such laws as are now or may hereafter be in effect with relation to the primary road system of this State.

H. B. 514. An Act establishing State Primary Road Project No. —, beginning at the intersection of the Frankfort and Owenton Pike and the Peak's Mill Pike, thence via Peak's Mill by Knight's Bridge, Peak's Mill, Camp Pleasant, Dry Land Bridge, Elmville, Head of Cedar and to the Georgetown and Owenton Pike, U. S. 227.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby established as part of the primary system of the State highways of the Commonwealth of Kentucky, a road beginning at the intersection of the Frankfort and Owenton Pike, U. S. Highway No. —, and the Peak's Mill Pike in Franklin County, Kentucky, and thence running via Peak's Mill Pike to Knight's Bridge, Peak's Mill, Camp Pleasant, Dry Land Bridge, Elmville, Head of Cedar, and thence to the Georgetown and Owenton Pike, U. S. Highway No. 227 in Scott County, Kentucky.

§ 2. Said road shall be known as Project No. —.

H. B. 515. An Act to establish as a part of the State primary road system a road to be known as Project No. —, beginning at Dr. Miller's farm on Beech Grove and Calhoun Road, in McLean County, Kentucky, passing by Mt. Vernon Church near Wolfpin School House by Antioch Church to Highbanks.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the road beginning at Dr. Miller's farm on the Beech Grove and Calhoun Road, in McLean County, Kentucky, passing by Mt. Vernon Church near Wolfpin School House, by Antioch Church to Highbanks, be and the same is hereby designated and established as a part of the primary system of State highways of the Commonwealth of Kentucky; to be known as the State Primary Road Project No. —.

§ 2. The construction, maintenance, supervision and control of the said road shall be subject to all the terms and

conditions as set out and provided for in Chapter 17, Acts of the General Assembly of 1920, establishing and creating a primary system of State highways.

H. B. 516. An Act to establish as a part of the State primary road system a road to be known as Project No. —, beginning at or near Clyde Craven's farm on Calhoun and Beech Grove Road, in McLean County, Kentucky, passing by the farm of Jesse Benton and the Edwards farm; by Leachman School House, intersecting the road leading from Route 81 near Gleenville to Glover's School House.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the road beginning at or near Clyde Craven's farm on Calhoun and Beech Grove Road, in McLean County, Kentucky, passing by the farm of Jesse Benton and the Edwards farm, by Leachman School House, intersecting the road leading from Route 81 near Gleenville to Glover's School House, be and the same is hereby designated and established as a part of the primary system of State highways of the Commonwealth of Kentucky; to be known as the State Primary Road Project No. —.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions as set out and provided for in Chapter 17, Acts of the General Assembly of 1920, establishing and creating a primary system of State highways.

H. B. 517. An Act establishing as a part of the primary system of State highways, a road beginning at river bridge on Garrett Highway No. 40 between West Liberty and White Oak; thence up Lacy Creek to head of Trace Fork; thence to Rockhouse Creek; thence crossing Licking River; thence the nearest and most convenient route to the Lundy Risner Gap, a point on the Garrett Highway No. 40.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. There is hereby established as part of the primary system of State highways of the Commonwealth of Kentucky, a road beginning at the river bridge, a point on Garrett Highway No. 40 about six miles southeast of West Liberty; thence a southeast direction to the mouth of Lacy Creek; thence up Lacy Creek to head and the head of Trace Fork; thence down Trace Fork to Rockhouse Creek; thence down Rockhouse to Licking River; thence across Licking River; thence a direct course to the Lundy Risner Gap, a point on the Garrett Highway at the Morgan and Magoffin County line.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to and controlled by the provisions of Chapter 17 of the Acts of the General Assembly of 1920 as amended, to the same effect as if said road had been named in the original Act as one of the projects of the primary system of State highways, as provided therein.

H. B. 538. An Act adding to the primary system of the State highways of the Commonwealth of Kentucky, a road from Four Mile in Bell County to Ivy Grove and to a point on the Stinking Creek Road near DeWitt, Knox County.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby established as part of the primary system of the State highways of the Commonwealth of Kentucky a road running from Four Mile, Bell County, Kentucky, up Four Mile Creek to Ivy Grove, and thence down Moore's Creek to a point in the Stinking Creek Road near DeWitt, Knox County, Kentucky.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to and controlled by all terms and conditions set out and provided in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of State highways, the same as though said road had been named in said original Act as one of the projects of said primary system of State highways.

§ 3. The Highway Commission is hereby directed to assign to the above road an appropriate project number.

§ 4. This road shall be known as the Moos Trail.

H. B. 539. An Act establishing as a part of the State primary system a road leading from Grahn, Carter County, Kentucky, by Saulsberry to Gregoryville, in Carter County, Kentucky.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the road leading from Grahn, Kentucky, by the way of Saulsberry to Gregoryville, Kentucky, be and the same is hereby established as a part of the primary road system of this Commonwealth.

§ 2. Said road shall be designated as Project No. —.

H. B. 540. An Act establishing as a part of the State primary road system a road leading from Willard, Carter County, Kentucky, to connect with the Sandy Hook and Louisa Road at Isonville, Kentucky.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the road leading from Willard, Kentucky, by McDavid up Little Fork to Beetle, Kentucky, and from there to Stephens, Fielden, Culver, to Isonville, be and the same is designated as a part of the primary road system of this Commonwealth.

§ 2. Said road shall be designated as Project No. —.

H. B. 541. An Act to establish as a part of the State primary system a road to be known as Project No. —, to lead from Brooklyn, Butler County, Kentucky, to Welsh's Creek, in Butler County, Kentucky, via Embry Post Office.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the road leading from Brooklyn, in Butler County, Kentucky, to Welsh's Creek, in Butler County, via Embry Post Office, be and the same is hereby designated and established as a part of the primary system of State highways of the Commonwealth of Kentucky; to be known as the State Primary Road Project No. —.

§ 2. The construction, maintenance, supervision and control of the said road shall be subject to all the terms and conditions as set out and provided for in Chapter 17, Acts of the General Assembly of 1920, establishing and creating a primary system of State highways.

H. B. 542. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

There is hereby established as part of the State primary system of highways in this Commonwealth the following route, to-wit: Beginning at Tri City in Graves County and continuing from Project No. 94 to a point on U. S. Road No. 45 near Water Valley in Graves County. This route when established to be designated as Project No. — and to be entitled to and receive all the benefits relating to the primary system.

H. B. 543. An Act to establish a primary road project to be known as Project No. —, beginning at the mouth of Sexton's Creek in Owsley County at an intersection of State Project No. 11, and going up Sexton's Creek Post Office, and intersecting with Project No. 52, at or near a county bridge over Sexton's Creek on Project No. 21, below Burning Springs, Clay County, Kentucky.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there be established as a part of the primary road system of the Commonwealth of Kentucky, a road beginning at the mouth of Sexton's Creek on State Project No. 11 in Owsley County; thence up Sexton's Creek via Taft, Alger and Sexton's Creek Post Office via Jack Clark's place and intersecting with State Project No. 21 at a concrete bridge across Sexton's Creek below Burning Springs in Clay County.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to and controlled by the provision of Chapter 17 of the Acts of the General Assembly of 1920, as if said road had been named in the original Act as one of the projects of the primary system of State highways as provided herein.

H. B. 560. An Act to establish as a part of the State

primary road system a road to be known as Project No. —, and beginning on Highway No. 76, in McLean County, Kentucky, near the Livermore Ferry; passing the farms of Everly and Meadows to Point Pleasant, in McLean County.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the road beginning on Highway No. 75, in McLean County, Kentucky, near the Livermore Ferry; passing the farms of Everly and Meadows to Point Pleasant, in McLean County, be and the same is hereby designated and established as a part of the primary system of State highways of the Commonwealth of Kentucky; to be known as Project No. —.

§ 2. The construction, maintenance, supervision and control of the said road shall be subject to all the terms and conditions as set out and provided for in Chapter 17, Acts of the General Assembly of 1920, establishing and creating a primary system of State highways.

H. B. 565. An Act to establish as a part of the primary system of State highways of the Commonwealth of Kentucky, a road known as the Boone Trail leading from Broadhead to Mt. Vernon, via Hopkins' farm and Menifee's store.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That there be placed on the primary road system, a road known as the Boone Trail leading from Broadhead to Mt. Vernon, via Hopkins' farm and Menifee's store.

H. B. 796. An Act placing on the primary system of

roads and highways a road from Highway No. 25 in Rockcastle County to Jackson County line.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That there be and is hereby placed on the primary system of roads of this Commonwealth, a road beginning at the River Bend Filling Station on Highway No. 25, to the Jackson County line near the Jones Durham farm, via the mouth of the Horselick Creek.

H. B. 797. An Act to establish as a part of the State primary road system a road to be known as Project No. —, and beginning on Highway No. 75, in McLean County, Kentucky, near the Livermore Ferry, across Rough River, running thence in an easternly direction, passing through or near Matanzas to Centertown, Ohio County.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the road beginning on Highway No. 75, in Livermore, McLean County, near the Ferry across Rough River; thence in an easterly direction passing through or near Matanzas to Centertown, in Ohio County, be and the same is hereby designated and established as a part of the primary system of State highways of the Commonwealth of Kentucky, to be known as Project No. —.

§ 2. The construction, maintenance, supervision and control of the said road shall be subject to all the terms and conditions as set out and provided for in Chapter 17, Acts of the General Assembly of 1920, establishing and creating a primary system of State highways.

H. B. 798. An Act establishing as part of the State primary road system a road beginning on Kentucky Highway U. S. 25-W. at Rockhold, passing by Tidal Wave Post Office and Tidal Wave Church and running through the Henry Tye Gap and intersecting with the Corbin-Cumberland Falls Road near Dearing Post Office.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby established as part of the State primary road system a road beginning on Kentucky Highway U. S. 25-W. at Rockhold, passing by Tidal Wave Post Office and Tidal Wave Church and running through the Henry Tye Gap and intersecting with the Corbin-Cumberland Falls Road near Dearing Post Office.

§ 2. The said road to receive all the benefits of a State primary road as set out in Chapter 17 of the Acts of the 1920 General Assembly.

H. B. 799. An Act placing on the primary system of roads and highways, a road from Mt. Vernon to Spotwood Coal Fields.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there be and is hereby placed on the primary system of roads of this Commonwealth a road, beginning at Mt. Vernon in Rockcastle County and running the nearest and most practical way to a point near the Lewis Cooper farm and intersecting with the London and Somerset road, in Pulaski County, same to be routed via Sand Springs, John Nichols' farm on Skaggs Creek, and the Sinks School House.

H. B. 800. An Act to place on the primary system of roads and highways, a road from Mershon Post Office to Hazelpatch.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That there be and is hereby placed on the primary system of roads of this Commonwealth, a road beginning at Mershon Post Office in Laurel County to Hazelpatch.

H. B. 801. An Act to place on the primary system of roads and highways, a road from East Burnstadt to Hazelpatch.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That there be and is hereby placed on the primary system of roads of this Commonwealth, a road beginning at East Burnstadt in Laurel County and running to Hazelpatch.

H. B. 802. An Act establishing a road leading from Long Branch, Meade County, Kentucky, to Brandenburg.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there be and is now established as one of the primary road projects of the Commonwealth of Kentucky, the following: A road beginning at Long Branch, Meade County, Kentucky, to and intersecting U. S. Highway No. 60 at Brandenburg, Meade County.

§ 2. Said project thus established as part of the primary roads of this Commonwealth shall be entitled to all privileges, benefits and conditions now given by any Act or law to the primary roads of this Commonwealth. This road to be known and designated as Road Project No. —.

H. B. 803. An Act establishing a road leading from Long Branch, Meade County, Kentucky, to Brandenburg.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there be and is now established as one of the primary road projects of the Commonwealth of Kentucky, the following: A road beginning at Flaherty, Meade County, Kentucky, leading west by way of St. Martin's Church and intersecting primary project at or near Hall School House, in Meade County, Kentucky.

§ 2. Said project thus established as part of the primary roads of this Commonwealth shall be entitled to all privileges, benefits and conditions now given by any Act or law to the primary roads of this Commonwealth. This road to be known and designated as Road Project No. —.

H. B. 804. An Act to establish as a primary road project a road beginning at Bethesda, Wayne County, Kentucky, and leading in a westerly direction a distance of about one and a half miles along Shearer Valley turnpike road to State Road Project No. 90 in Wayne County, Kentucky.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That a road beginning at Bethesda, Wayne County,

Kentucky, and leading in a westerly direction along the Shearer Valley turnjike road to State Road No. 90 in Wayne County, Kentucky, be and the same is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, and the amendments thereto, establishing and creating a primary system of State highways.

H. B. 805. An Act creating and establishing a part of the primary system of State highways a road running from Badger in Taylor County via Attilla to Gleanings in Larue County.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby created and established as a part of the primary system of highways of the Commonwealth of Kentucky a road beginning at or near Badger, in Taylor County, Kentucky, and running via Attilla to Gleanings in Larue County, Kentucky, and the same to be known and designated as Project No. —.

H. B. 806. An Act creating and establishing as a part of the primary system of State highways a road beginning near the residence of George M. Slaughter in Larue County, Kentucky, and running thence via Silva and Pearl Hollow to a point intersecting the Elizabethtown and Bardstown Road at or near Boston, Kentucky.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby created and established as a part of the highway system of the Commonwealth of Kentucky, a road beginning at or near the residence of George M. Slaughter in Larue County, Kentucky, and running thence via Silva and Pearl Hollow to a point intersecting the Elizabethtown and Bardstown Road at or near Boston, Kentucky, and to be known and designated as Project No. —.

H. B. 818. An Act to establish a primary road project to be known as Project No. —, beginning at Burning Springs in Clay County, running via Fogertown in Clay County, intersecting Project No. 80 at or near Brock, Kentucky, in Laurel County.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there be established as a part of the primary road system of the Commonwealth of Kentucky, a road beginning at Burning Springs in Clay County, running via Fogertown, in Clay County, intersecting Project No. 80 at or near Brock, Kentucky, in Laurel County.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to and controlled by the provisions of Chapter 17 of the Acts of the General Assembly of 1920, as if said road had been named in the original Act as one of the projects of the primary system of State highways as provided herein.

H. B. 819. An Act to establish a primary road project to be known as Project No. —, beginning on Bosworth Trail, Project No. —, at or near Bright Shade Post Office in Clay County, Kentucky, and running up Mill Creek, down Stinking Creek in Knox County, intersecting with Dixie Highway, Project No. 25 near Flat Lick in Knox County.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there be established as a part of the primary road system of the Commonwealth of Kentucky, a road beginning on Bosworth Trail, Project No. —, at or near Bright Shade Post Office in Clay County and running up Mill Creek, down Stinking Creek in Knox County, intersecting with Dixie Highway, Project No. 25 at or near Flat Lick in Knox County.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to and controlled by the provision of Chapter 17 of the Acts of the General Assembly of 1920, as if said road had been named in the original Act as one of the projects of the primary system of State highways as provided herein.

H. B. 820. An Act establishing a road from Breedings Creek at State Highway No. 15 to Hindman, Knott County, Kentucky, at State Highway No. 80.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby established a road commencing at the mouth of Breedings Creek on State Highway No. 15, thence up Carrs Fork Creek to the mouth of Betty's Troublesome Creek, thence up said creek to Trace Fork Creek, thence down said creek via Brinkley Community School to Jones Chapel, thence down Troublesome Creek to intersect with State Highway No. 80 at Hindman, Kentucky.

§ 2. Said road project shall be a part of the highway system of Kentucky, and be entitled to all the benefits as provided for in the Acts of 1920.

H. B. 821. An Act creating and establishing as a part of the primary road system of highways of the State of Kentucky a road running from King's Store in Casey County and up Brush Creek to Fry's Creek, thence up Fry's Creek by the way of Neely's Gap to a point in the Hustonville and Bradfordsville Highway near Coffman Store, said road to be designated by the State Highway Department with an appropriate project number.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That there is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky a road leading from King's Store in Casey County, up Brush Creek to Fry's Creek following as near as practical and possible the old Brush Creek Road, thence up Fry's Creek by the way of Neel's Gap to a point in the Hustonville and Bradfordsville Highway near Coffman Store, and following as near as possible and practical the Neely's Gap Road.

The route thus established to be designated as Highway No. —, and to be entitled to receive all benefits of such laws as are now or may hereafter be in effect with relation to the primary road system.

H. B. 826. An Act relating to roads and highways and describing and fixing the project to be added to the primary system of roads and highways.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

There is hereby established as a part of the State primary system of highways in the Commonwealth the following route,

to-wit: Beginning at Knottsville on Project No. —, in Daviess County and extending to a point at or near Whitesville on Project No. —, in Daviess County, via St. Lawrence in Daviess County. This route when established to be designated as Project No. —, and to be entitled to and receive all the benefits relating to the primary system.

H. B. 832. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

There is hereby established as a part of the State primary system of highways in the Commonwealth the following route, to-wit: Beginning at the city limits of Louisville, Kentucky, in Jefferson County on the Brownsboro Road and extending to a point on U. S. Route No. 42 near Goshen in Oldham County via the Zachary Taylor Monument, Springdale and Worthington in Jefferson County. This route when established to be designated as Project No. —, and to be entitled to and receive all the benefits relating to the primary system.

H. B. 867. An Act to add to the primary system of public highways a road leading from State Highway No. 80 in Perry County, Kentucky, to Harveyton, on First Creek, in Perry County, Kentucky, via Crawford, Bonnyman, Blue Diamond, to be known as the Blue Diamond Trail.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby established as a part of the

primary system of State highways of the Commonwealth of Kentucky, the Blue Diamond Trail, a road leading from the State Highway No. 80, in Perry County, Kentucky, at the point of intersection with what is now known as the First Creek County Road, thence running with what is now known as the First Creek County Road, through Crawford, Bonnyman, Blue Diamond to Harveyton.

The construction, maintenance, supervision and control of said road shall be subject to all of the terms and conditions set out and provided for in Chapter 17 of the Acts of 1920, establishing and creating a primary system of State highways.

Said project shall be known as the Blue Diamond Trail.

H. B. 571. An Act relating to roads and highways and establishing and creating a Road Project No. —, beginning at Campbell's Store on the old State Road in Bath County and running over the most convenient route up Hawes Branch and down Caney Creek and intersecting with the road from Midland to Yale in Bath County, as a State primary road.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is established and created a Road Project No. —, beginning at Campbell's Store on the old State Road in Bath County and running over the most convenient route up Hawes Branch and down Caney Creek and intersecting with the road from Midland to Yale in Bath County.

§ 2. That said project thus established shall be a part of the primary road system of this Commonwealth and be entitled to all the benefits and subject to all laws now in existence or to be hereinafter enacted in relation to same.

H. B. 572. An Act relating to roads and highways and establishing and creating a Road Project No. —, beginning on N. S. Road No. 60 about one mile west of Salt Lick in Bath County and running over the route of the Mones Ferry Turnpike Road to Grange City, in Fleming County as a State primary road.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is established and created a Road Project No. —, beginning on N. S. Road No. 60 about one mile west of Salt Lick in Bath County, and running over the route of the Mones Ferry Turnpike Road to Grange City in Fleming County.

§ 2. That said project thus established shall be a part of the primary road system of this Commonwealth and be entitled to all the benefits and subject to all laws now in existence or to be hereinafter enacted in relation to same.

H. B. 573. An Act relating to roads and highways and establishing and creating a Road Project No. —, beginning on Route No. 61 at Reynoldsville in Bath County and connecting with the Fields Highway at Shirburn in Bath County, or a State primary road.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is established and created a Road Project No. —, beginning on Route No. 61 at Reynoldsville in Bath County and connecting with the Fields Highway at Shirburn in Bath County.

§ 2. That said project thus established shall be a part of the primary road system of this Commonwealth and be entitled to all the benefits and subject to all laws now in existence or to be hereinafter enacted in relation to same.

H. B. 574. An Act to establish a primary road project to be known as Project No. —, beginning at or connecting with State road at Bushong, Monroe County, Kentucky, by way of Sulphur Lick to Temple Hill, Barren County, Kentucky.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

There be and is now established as part of the primary road system of the Commonwealth of Kentucky, a road beginning at or connecting with State road at Bushong, Monroe County, Kentucky, by way of Sulphur Lick to Temple Hill, Barren County, Kentucky.

H. B. 575. An Act establishing as part of the primary system of the State highways of the Commonwealth of Kentucky, a road from a point on State Highway No. 25-E, between the city limits of Middlesboro, Kentucky, and Cumberland Gap to the Cubbage Settlement School, on Brownies Creek, by way of Sugar Run, in Bell County, Kentucky.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That there be established as a part of the primary road system of the State highways of the Commonwealth of Kentucky, a road beginning at a point on United States Highway No. 25-E, between the city limits of Middlesboro, Bell County, Kentucky, and Cumberland Gap, thence in a northernly direction to the Cubbage Settlement School on Brownies Creek, by way of Sugar Run, in Bell County.

The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of State highways.

H. B. 576. An Act creating a road project in Perry County, Kentucky.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That there is hereby established as a part of the primary system of State highways of Kentucky, a road beginning at State Highway No. 15 on the east side of the North Fork of the Kentucky River, opposite the Railroad Y. M. C. A., in Hazard, Kentucky; thence in a westerly direction across the North Fork of the Kentucky River; thence in a westerly direction up Tantroft Branch to the head thereof and crossing the divide continuing down Lick Branch to the Kentucky River, opposite Combs, Kentucky, and connecting with State Highway Route No. 80, leading to Hyden, county seat of Leslie County, and designating the same as State Project No. —; and be entitled to and receive all the benefits of such laws as are now or may hereafter be in effect with relation to the primary road system of this State.

H. B. 577. An Act designating and establishing as a part of the primary system of the State highway system of the Commonwealth of Kentucky and as a part of the project leading from Beattyville, Lee County, Kentucky, to Jackson, Breathitt County, Kentucky, a road beginning at a point in the State highway at the mouth of Dunnigan's branch in Lee County and running by the way of Long Shoal School House, Tallega, Athol, Oakdale to Jackson, Breathitt County, Kentucky.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That there is hereby directed and established as a part of the primary system of the State highways of the Commonwealth of Kentucky and as a part of the project leading from Beattyville, Lee County, Kentucky, to Jackson, Breathitt County, Kentucky, a road beginning at a point in the State highway at the mouth of Dunningan's branch in Lee County and running by the way of Long Shoal School House, Tallega, Athol and Oakdale to Jackson, Breathitt County, Kentucky.

H. B. 578. An Act to establish as part of the primary system of State highways, a road from a point on U. S. Highway No. 60, at or near the Ross Threkeld's farm house, thence to the Hampton-Birdsville Road Project No. —, at Blooming Grove Church grounds.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there be and is now established as one of the primary road projects of the Commonwealth of Kentucky, the following:

Commencing at a point on U. S. Highway No. 60, at or near the Ross Threkeld's farm house, which is located at 1 7/10 miles north from the Jefferson Davis monument in Livingston County, to the Hampton-Birdsville Road Project No. —, at Blooming Grove Church grounds.

§ 2. Said project thus established as part of this Commonwealth, shall be entitled to all the privileges, benefits and conditions now given by any Act or law to the primary roads of this Commonwealth.

Said road to be known as Project No. —.

H. B. 579. An Act to establish as part of the primary road system of the Commonwealth of Kentucky, a road commencing at Mampton and crossing Bayou Creek near bridge at Old Hardshell Church and via Blooming Grove Church grounds to Birdsville.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there be and is now established as one of the primary road projects of the Commonwealth of Kentucky the following: A road commencing at Hampton, Livingston County, and crossing Bayou Creek near bridge at Old Hardshell Church and via Blooming Grove Church grounds to Birdsville, Livingston County.

§ 2. Said project thus established as part of the primary roads of this Commonwealth shall be entitled to all the privileges, benefits and conditions now given by any Act or law to the primary roads of this Commonwealth.

Said road to be known as Project No. —.

H. B. 603. An Act establishing as part of the primary road system, a road beginning at Second Baptist Church in Williamsburg via Red Bird church, down the river to Parks Mill, Seed Tick Schoolhouse to intersect Cumberland Falls Road.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby established as a part of the

Primary Road System of the State, a road beginning at Second Baptist Church in Williamsburg, via Red Bird Church, down the river to Parks Mill, Seed Tick Schoolhouse to intersect Cumberland Falls Road.

§ 2. The said road to receive all the benefits allowed under the Primary Road Law as set out in Chapter 17 of the Acts of the 1920 General Assembly.

H. B. 613. An Act establishing as a part of the primary system of State Highway beginning at U. S. Highway No. 27 about one-half mile northeast of Butler, Kentucky, and running East by way of Flower Creek and joining State Highway No. 10 at Pribles cross roads.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. There is hereby established as part of the primary system of State Highways of the Commonwealth of Kentucky a road beginning at a point on U. S. Highway No. 27 about one-half mile northeast of Butler in Pendleton County, Kentucky, and running east therefrom by way of Flower Creek and joining State Highway No. 10 at Pribles cross roads, being about five miles in length.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to and controlled by the provisions of Chapter 17 of the Acts of 1920 of the General Assembly of Kentucky to have same effect as if said road had been named in the original Act as one of projects of the primary system of State Highways as provided therein.

H. B. 620. An Act establishing as a part of the State primary system of highways in this Commonwealth a road leading from the Mattoon Consolidated School building in Crittenden County on U. S. 60 via Cotton Patch Hill, Fords

Ferry, and intersecting the Ollie M. James Highway at the Flanary Place near Hebron Schoolhouse.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That there be established as a part of the State Primary System of Highways of this Commonwealth a road leading from the Mattoon Consolidated School building in Crittenden County on U. S. 60, via Cotton Patch Hill, Fords Ferry, and intersecting the Ollie M. James Highway at the Flanary place near Hebron Schoolhouse.

H. B. 621. An Act establishing as a part of the State Primary System of Highways a road leading from Seven Springs Church in Crittenden County by the way of the Sam Travis farm home, Caldwell Springs Church, Arch Oliver farm thence to Fredonia in Caldwell County.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That there be established as a part of the State Primary System of Highways a road from Seven Springs Church in Crittenden County via Sam Travis farm home, Caldwell Springs Church, Arch Oliver farm where it will intersect the proposed Dycusburg and Fredonia road, thence to Fredonia in Caldwell County.

H. B. 622. An Act establishing as part of the State Primary System of Highways of this Commonwealth a road leading from Salem on U. S. 60 to Tiline on the proposed Ruby Laffoon Trail via Pinkneyville.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That there be established as a part of the Primary System of this Commonwealth a road leading from Salem, Kentucky a point on U. S. 60, via Pinkneyville, where it will cross the Cumberland River, thence to Tiline, a point on the Proposed Ruby Laffoon Trail.

H. B. 623. An Act establishing as part of the primary system of State Highways of the Commonwealth of Kentucky a road from a point where Cumberland Avenue intersects with Fitzpatrick Avenue in Middlesboro, Bell County, Kentucky, on State Highway No. 25 E. to a point where Binghamton Cut-off intersects with State Highway No. 25-e and shall be designated as 25-E.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there be hereby established as a part of the primary road system of State highways of the Commonwealth of Kentucky a road beginning at a point on the State Highway No. 25-E in Middlesboro, Kentucky, where Fitzpatrick intersects with Cumberland Avenue, then West along Cumberland Avenue to a point where Cumberland Avenue intersects No. 25 State, thence in a Northernly direction along No. 25 State and Binghamtown Cut-off to a point where Binghamtown Cut-off intersects State Highway No. 25-E, and that said road shall be designated as a part of said State Highway System to be known as 25-E.

§ 2. The construction, maintenance, supervision, and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17, of the Acts of the General Assembly 1920, establishing and creating a primary system of highways.

§ 3. That that part of State Highway No. 25-E beginning at a point where Binghamtown Cut-off intersects with State Highway No. 25-E, thence in an Easternly direction to and across the overhead bridge over the L. and N. Railroad track, thence south by way of Fitzpatrick Avenue to Cumberland Avenue be and the same is hereby abandoned and discontinued as a part of the State Highway System No. 25-E.

H. B. 624. An Act establishing as a part of the primary system of the State Highways, a road from Beverly by way of Howell and Garrottsburg to the Tennessee line near Noah Spring.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby established as a part of the primary system and State highways of the Commonwealth of Kentucky, a road in Christian County leaving the LaFayette highway near Beverly and running thence by way of Howell and Garrottsburg in said County to the Tennessee line at or near Noah spring.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to and controlled by a provision of Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of State highways, to the same effect as if said road had been named in the original Act as one of the projects of the primary system of State highways as provided therein.

H. B. 625. An Act to establish as part of the State Primary Road system, a road beginning at Fountain Run, Monroe County, thence to J. W. Howard's, via White Oak Ridge and connecting with Highway No. 100 near Flippin, Kentucky.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there be and is hereby established as part of the primary road system of the Commonwealth of Kentucky, a road beginning at Fountain Run, Monroe County, thence to J. W. Howard's, via White Oak Ridge and connecting with Highway No. 100 near Flippin, Kentucky.

§ 2. The said project to be known as the J. W. Howard road, and to receive all the benefits of a State primary road as set out in Chapter 17, Acts of 1920 General Assembly.

H. B. 626. An Act to add to the primary system of roads in the Commonwealth of Kentucky a road from Highway No. 61 starting at a point about one-half mile south of Allendale in Green County to intersect the Campbellsville and Hodgenville highway at a point near Mac, Taylor County.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That there shall be added to the primary system of roads in the Commonwealth of Kentucky a road from Highway No. 61 starting at a point about one-half mile south of Allendale in Green County to intersect the Campbellsville and Hodgenville Highway at a point near Mac, Taylor County, the same to be maintained as other roads of the primary system of roads in the Commonwealth are maintained.

H. B. 627. An Act to establish as a State Primary Road project a road leading from the mouth of Middle Fork of Licking River, Magoffin County, Kentucky, on State Road No. 40, to Lee City, in Wolfe County, Kentucky.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That a road beginning at the mouth of Middle Fork of Licking River, Magoffin County, Kentucky, on State Road No. 40, and leading up the Middle Fork of Licking River and up the right hand fork of Middle Fork, to the mouth of Puncheon Creek, and thence to Lee City, Wolfe County, Kentucky, be and the same hereby is established as a part of the Primary System of State Highways of the Commonwealth of Kentucky, and the construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out in Chapter 17 of the Acts of the General Assembly, 1920, and the amendments thereto, establishing and creating a Primary System of State Highways.

H. B. 640. An Act to amend Kentucky Statutes Section 4356t-5, which is an act designating and establishing primary State roads, by adding thereto Project No. — described as beginning at a point in U. S. Highway No. 42 near Alexis Abbott's and running by the farms of W. A. Bell, W. T. Hicks, Mrs. Chas. Smith, and S. J. Turner to a point in State road No. 55 near the residence of Dr. R. S. Garr in Oldham County, Kentucky.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That Kentucky Statutes, Section 4356t-5, be and the same is amended by adding thereto Project No. —, to read as follows:

Project No. —, beginning at a point in U. S. Highway No. 42, near Alexis Abbott's and running by the farms of W. A. Bell, W. T. Hicks, Mrs. Chas. Smith, and S. J. Turner to a point in State Road No. 55 near the residence of Dr. R. S. Garr, in Oldham County, Kentucky.

H. B. 657. An Act placing on the primary system of roads a road from Highway 168 to Berea.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

There be and is hereby placed on the primary system of roads of this Commonwealth a road beginning at a point on Highway 168 near the Francis Borders farm at the entrance of the Copper Creek road into said highway, thence to Berea via Wilmot Chapel Schoolhouse and Cartersville.

H. B. 658. An Act to establish a primary road project to be known as Project No. — beginning at Charlie Rose's farm on Booneville and Buckhorn Road in Owsley County, thence via Stay, Kentucky to St. Helens in Lee County, Kentucky.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That there be established as a part of the Primary Road system of the Commonwealth of Kentucky, a road beginning at Charlie Rose's place on Booneville-Buckhorn Road, Project No. — thence, via Stay, Kentucky to St. Helens in Lee County, Kentucky, intersecting with Project No. —.

The construction, maintenance, supervision and control of said Road shall be subject to and controlled by the provision of Chapter 17, of the Acts of the General Assembly of 1920, as if said road had been named in the original act as one of the projects of the Primary system of State Highways as provided herein.

H. B. 659. An Act to establish a primary road project

to be known as project No. — beginning at the mouth of White Oak in Owsley County on project No. 11 running up White Oak and connecting with Booneville Tyner Road, project No. — at New Hope in Owsley County.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That there be established as a part of the Primary Road System of the Commonwealth of Kentucky, a road beginning at the mouth of White Oak in Owsley County on Project No. 11, and running up White Oak via Major Sherman Rowland's farm, by G. B. Smith's farm and intersecting with Booneville Tyner Road Project No. — at New Hope in Owsley County.

The construction, maintenance, supervision and control of said road shall be subject to and controlled by the provisions of Chapter 17, of the Act of the General Assembly of 1920 as if said Road had been named in the original act as one of the projects of the Primary system of State Highways as provided herein.

H. B. 660. An Act establishing as part of the State Primary Road System, a road beginning at Danville and Lebanon State Highway No. 68 and 168, at a point five miles east of Lebanon near Penick Schoolhouse, thence via Poplar Corner to Washington County line, directly to Springfield and Perryville State Highway.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby established as part of the State primary road system, a road beginning at Danville and Lebanon State Highway, No. 68 and 168 at a point five miles east of Lebanon near Penick Schoolhouse, thence via Poplar Corner

to Washington county line, directly to Springfield and Perryville State Highway.

§ 2. Said Project to be known and designated as State Project No. —.

The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions as set out and provided for in Chapter 17, Acts of the 1920 General Assembly.

H. B. 661. An Act to establish as a part of the primary road system a road to be known as Project — to lead from Sugar Grove, Butler County, Kentucky, to Richlieu, in Butler County.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there be and there is hereby established as a part of the Primary Road System, a road to be known as Project No. —, to lead from Sugar Grove, Butler County, Kentucky, to Richlieu, in Butler County.

§ 2. Said road shall be entitled to and receive all the benefits of such laws as are now or may hereafter be in effect with relations to the primary system of roads.

H. B. 662. An Act establishing as part of the primary system of State Highways a road beginning at a point two miles south of Falmouth in Pendleton County, Kentucky on U. S. Highway No. 27 and running south by way of Hightower in Pendleton County, Kentucky and Boyd, Harrison County, Kentucky to join State Highway No. — at Colemansville, Harrison County, Kentucky.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. There is hereby established as a part of the primary system of State Highways of the Commonwealth of Kentucky a road beginning at a point on the U. S. Highway No. 27, two miles south of Falmouth in Pendleton County, Kentucky and running south therefrom by way of Hightower in Pendleton County, Kentucky and Boyd, Harrison County, Kentucky to join State Highway No. — at Colemansville, Harrison County, Kentucky.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to and controlled by the provisions of Chapter 17 of the Acts of 1920 of the General Assembly of Kentucky as amended to have the same effect as if said road had been named in the original Acts as one of the projects of the primary system of State Highways as provided therein.

H. B. 663. An Act establishing as a part of the primary system of State Highways a road in Perry County, Kentucky.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby established as a part of the Primary System of State Highways of the Commonwealth of Kentucky a road beginning on the West side of High Street which is the West side of State Highway No. 15, opposite the intersection of Newland Avenue in the City of Hazard, Kentucky; thence with said County road up Tan Trough Branch and down Lick Branch to the intersection of Project No. 80, at the Southwest approach of the State Highway bridge at Combs, Kentucky, a distance of one and one-fourth miles.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to and controlled by a

provision of Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of State Highways, to the same effect as if said road had been named in the original Act as one of the projects of the primary system of State highways as provided therein.

H. B. 677. An Act to establish as a primary road project a road beginning about one-half mile east of Wellington, Menifee County, Kentucky on State Road No. 40, and leading north by Herman Fields' Store, Dan Post Office or Craft School House and Big Woods, Kentucky to Cold Cave Creek and with Cold Cave Creek to Beaver Creek Road Project No. —, in Menifee County, Kentucky.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That a road beginning about one-half mile east of Wellington, Menifee County, Kentucky, on State Road No. 40, and leading north by way of Herman Fields' Store, Dan Post Office or Craft's School House, and Big Woods, Kentucky, to Cold Cave Creek, and with Cold Cave Creek to Beaver Creek Road Project No. —, in Menifee County, Kentucky, be and the same hereby is established as a part of the primary system of State Highways of the Commonwealth of Kentucky, and the construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out in Chapter 17 of the Acts of the General Assembly of 1920, together with the amendments thereto, establishing and creating a primary system of State highways.

H. B. 678. An Act to establish a primary road from State Project No. 12 by way of East View, Solway and Hardin Springs in Hardin County to The Hardinsburg and Leitchfield State Highway near Madrid in Breckenridge County.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby established and created as a part of the Primary System of State Highways a road leading from State Project No. 12 by way of East View, Solway and Hardin Springs in Hardin County to the Hardinsburg and Leitchfield State Highway near Madrid in Breckinridge County. The construction, maintenance and supervision of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17, page 76, of the Acts of 1920, creating a Primary System of State Highways.

§ 2. Said project shall be designated as Project No. —.

H. B. 679. An Act to add a road to the primary road system of the Commonwealth of Kentucky.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby established and created as a part of the primary road system of the Commonwealth of Kentucky, a road beginning at Beech Grove, in Carter County, Kentucky, on the Hitchen Highway and following R. F. D., No. 1 to intersect with Route No. 60 at the mouth of Stinson; then leaving Route No. 60 on Wilson Creek following Route 1 to Pactolus.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920 establishing and creating the primary system of roads and highways of this Commonwealth.

§ 3. Said road shall be designated as Project No. —.

H. B. 680. An Act to add a road to the primary road system of the Commonwealth of Kentucky.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby established and created as a part of the primary system of roads and highways of the Commonwealth of Kentucky a road beginning at Limestone in Carter County, Kentucky; thence by way of Grocery Gap; thence by way of G. W. Stone's in Elliott County,; thence by way of Gimlet and Ibex and thence by the most direct route to Green to intersect with State Project No. — at that point.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920 establishing and creating the primary road system of this Commonwealth.

§ 3. Said road shall be designated as Road Project No. —.

H. B. 681. An Act to add to the primary system of roads a road from Old Paint Lick Presbyterian Church to Old Paint Lick cemetery.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That there be added to the Primary Road System a road from a point on the Lancaster-Richmond road at the Old Paint Lick Presbyterian church to the Paint Lick memorial cemetery. A distance of approximately one-half mile.

The construction, maintenance, supervision and control of

said road shall be subject to the terms provided for in chapter 17 of the acts of the General Assembly of 1920, establishing a primary system of Roads and Highways, the same as though said road had been named in the original act as one of the projects of said Primary System of Highways of the Commonwealth of Kentucky.

H. B. 682. An Act to add a road to the primary road system of the Commonwealth of Kentucky.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is established and created as a part of the primary system of roads and highways of the Commonwealth of Kentucky a road beginning at or near the mouth of Bells Trace; thence by way of Webbville up Dry Fork and by way of Cherokee in Lawrence County to connect with State Project 49A at Blaine Town.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920 establishing and creating the primary system of roads and highways of this Commonwealth.

§ 3. Said road shall be designated as Road Project No. —.

H. B. 683. An Act to add to the primary road system of the Commonwealth of Kentucky.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby established and created as a part of the primary system of roads and highways of the Commonwealth of Kentucky a road beginning at or near Webbville; thence by way of Brammer Gap and down Cats Creek by Dennis Post Office to intersect with the Mayo Trail at or near Collingsworth's Store.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920 establishing and creating the primary system of roads and highways of this Commonwealth.

§ 3. Said road shall be designated as Project No. —.

H. B. 684. An Act relating to the system of primary State roads and establishing as a part of the system of primary State roads the road from a point near the Blue and Gray State Park on the Elkton-Sharon Grove Road in Todd County, to the Jefferson Davis Highway at a point about a mile west of Russellville, in Logan County.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there be established as a part of the system of primary State roads the road beginning at a point near the Blue and Gray State Park on the Elkton-Sharon Grove road, in Todd County, Kentucky, thence to the Highland Lick road via Wells' Store, and thence following the Highland Lick Road to the Jefferson Davis Highway at a point about one mile west of Russellville, in Logan County, Kentucky, by the most practical route; said road to be known as Project No. —.

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

H. B. 685. An Act relating to the system of primary State roads and establishing as a part of the system of primary State roads the road from a point near Zion on project No. 98, in Todd County, to old Hadensville on Project No. 81 in Todd County.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there be established as a part of the system of primary State roads the road beginning at a point near Zion on Project No. 98 in Todd County, and running thence via Herman to the old Hopkinsville-Gallatin road and following said road to Old Hadensville on Project No. 81 in Todd County by the most practical route; said road to be known as Project No. —.

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

H. B. 691. An Act to amend and re-enact Chapter 185 page 526 of the Acts of the General Assembly of 1924, now Kentucky State Road Project No. 80, by adding the word "Haddock's Ferry" just before the word Calvert City in said original act.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That Chapter 185 of the Acts of the General Assembly of Kentucky of 1924, be amended by adding thereto and inserting just after the last named project on page 92 thereof, the following:

Project No. 80, from Smithland to Murray, via Haddock's Ferry, Calvert City and Benton, and said road shall receive

and be entitled to all the benefits allowed and provided for in said chapter 17 of said Acts of 1920.

H. B. 692. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. There is hereby established as a part of the State Primary System of Highways in this Commonwealth the following route, to-wit: Beginning at a point on State Project No. —, established by an Act of the General Assembly of 1926, chapter 325 of said Acts, and known as a State highway running from Mayslick in Mason County to Wedonia in Mason County, near the John Sam Woodward farm, where the old Elizaville pike intersects the above described highway; thence running in a southerly direction over said old Elizaville pike by way of Flemingsburg Junction in Fleming County to the village of Elizaville in said county; thence continuing south from Elizaville over the old Elizaville and Upper Blue Lick turnpike road by way of the village of Hilltop and continuing to the village of Battle Run in Fleming County where it intersects State Highway Project No. —, established by an Act of the General Assembly of 1928, as found in chapter 389 of said Acts, and known as the State Highway running from Moorefield in Nicholas County to Flemingsburg in Fleming County.

§ 2. This route, when established, to be designated as Project No. —, and to be entitled to and receive all the benefits relating to the Primary System of Highways.

H. B. 694. An Act relating to the primary system of roads and highways of the Commonwealth of Kentucky.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there be and is now established as a part of the primary system of roads and highways in the Commonwealth of Kentucky, the following route: Commencing at Hampton, Livingston County, through what is known as Terry Hollow, over the most practical route to Bayou and Berry ferry road at a point near the one-half way mark between Bayou and Berry ferry, same to be known as Project No. —.

§ 2. Said project thus established to be part of and entitled to all the privileges, benefits and conditions now given by any act or law to any of the primary roads of this Commonwealth.

H. B. 697. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. There is hereby established as a part of the State Primary System of Highways in this Commonwealth the following route, to-wit: Beginning at Larkins Crossroads near Wallonia in Trigg County and extending seven miles in the same county to Route No. 68 south of Gracie.

§ 2. This route when established to be designated as Project No. —, and to be entitled to and receive all the benefits relating to the Primary System.

H. B. 702. An Act creating and establishing as a part of the primary system of State highway of the Commonwealth of Kentucky a road leading from Foxport in Fleming County, Kentucky and continuing via Bowman Springs to top of Bowman Mountain in Lewis County to intersect with road from

Flemingsburg via Browning's Orchard to Petersville to be known and designated as Project No. —.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. There is hereby created and established as a part of the Primary System of Highways of the Commonwealth of Kentucky a road beginning at Foxport in Fleming County, Kentucky, and continuing via Bowman Mountain in Lewis County, Kentucky, to intersect with the road from Flemingsburg via Browning's Orchard to Petersville, to be known and designated as Project No. —.

H. B. 703. An Act to establish as a part of the primary system of State Highways of Kentucky a road from Canmer, Hart County, to Defries, Hart County, a distance of approximately five miles.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That there is hereby established as a part of the primary system of State Highways of Kentucky a road from Canmer, Hart County, on the Jackson Highway, and Defries, Hart County, a distance of approximately five miles, said road to be entitled to all benefits allowed and provided by law.

H. B. 704. An Act to establish as a part of the primary system of State Highways of Kentucky a road from Defries, Hart County to Webb, Green County, a distance of approximately three miles.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That there is hereby established as a part of the primary system of State Highways of Kentucky a road from Defries, Hart County, to Webb, Green County, a distance of approximately three miles; said road shall receive and be entitled to all benefits allowed and provided for by law.

H. B. 705. An Act to establish a primary road project to be known as project No. — beginning at J. Wilson's store at the mouth of Island Creek in Owsley County on Project No. 11 and running up Island Creek by way of Island City to Brewer's store on Sturgeon Creek in Owsley County and intersecting with Booneville, Tyner and East Bernstadt road project No. —.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That there be established as a part of the Primary Road System of the Commonwealth of Kentucky a road beginning at J. Wilson's store at the mouth of Island Creek in Owsley County on Project No. 11 thence up Island Creek by way of Island City by Dan Peters' farm, by way of Brewer's store on Sturgeon Creek in Owsley County and intersecting with Booneville, Tyner, East Bernstadt Road.

The construction, maintenance and control of said road shall be subject to and controlled by the provisions of Chapter 17 of the Acts of the General Assembly of 1920 as if said road had been named in the original act as one of the projects of the Primary System of State Highways as provided herein.

H. B. 706. An Act to establish as a part of the primary system of State Highways of the Commonwealth of Kentucky, a road from Rosewood to Belton in Muhlenberg County.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby established as a part of the Primary System of State Highways of the Commonwealth of Kentucky a road running from Rosewood to Belton in Muhlenberg county.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out as provided for in chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of State highways.

H. B. 707. An Act to establish as a part of the primary system of State Highways of the Commonwealth of Kentucky, a road from Knightsburg in Muhlenberg County to Ceralvo, in Ohio County.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby established as a part of the Primary System of State Highways of the Commonwealth of Kentucky a road running from Knightsburg in Muhlenberg county, leaving State Project No. 65, near Knightsburg and running in Western direction through or near Paradise, thence to U. S. Highway No. 62, between Nelson and Martwick; thence to Ceralvo, in Ohio county.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out as provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of State Highways.

H. B. 708. An Act establishing as part of the State primary road system, a road beginning 2 miles east of Lebanon, on Highway No. 68 and 168, thence north with Short Line pike via Pleasant Run Church, to Washington County line to con-

nect with Springfield and Perryville Road. Said Highway to be known and designated as Averitt and Harmon Highway.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is established as part of the State primary road system, a road beginning 2 miles east of Lebanon, on highway No. 68 and 168, thence north with Short Line Pike, via Pleasant Run Church, to Washington County line to connect with Springfield and Perryville Road. Said highway to be known and designated as the Averitt and Harmon Highway.

§ 2. The said road to receive all the benefits to be derived under Chapter 17, Act of the 1920 General Assembly.

H. B. 709. An Act to establish a primary road project to be known as Project No. — beginning at the mouth of Road Run on State Project No. 11 in Clay County, Kentucky thence up Buffalo Creek to the forks, thence up the left-hand fork to the head of Squabble Creek and down Squabble Creek to Buckhorn.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That there be established as a part of the Primary Road System of the Commonwealth of Kentucky a road beginning at the mouth of Road Run on State Project No. 11 in Clay County, thence up Buffalo Creek in Owsley County to the forks, thence up the left-hand fork to the head of Squabble Creek in Perry County, thence down Squabble Creek to Buckhorn in Perry County, Kentucky intersecting State Project No. —.

The construction, maintenance and control of said road shall be subject to and controlled by the provisions of Chapter 17 of the Acts of the General Assembly of 1920 as if said road had been named in the original act as one of the projects of the Primary System of State Highways as provided herein.

H. B. 710. An Act to establish a primary road project to be known as Project No. — beginning at the Pendergrass Farm near Pleasant Hill School on State Project No. 52 in Owsley County and running by way of Tommy Quillen's farm, by way of Vincent Post Office, Traveler's Rest Post Office and intersecting with Booneville-East Bernstadt Road at or near New Hope in Owsley County.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That there be established as a part of the Primary Road System of the Commonwealth of Kentucky a road beginning at the Pendergrass Farm near Pleasant Hill School on State Project No. 52 in Owsley County, thence by way of Tommy Quillen's farm, thence by way of Vincent, thence by way of Travelers Rest and intersecting with Booneville-East Bernstadt Road Project No. — at or near New Hope in Owsley County, Kentucky.

The construction, maintenance and control of said road shall be subject to and controlled by the provisions of Chapter 17 of the Acts of the General Assembly of 1920 as if said road had been named in the original act as one of the projects of the Primary System of State Highways as provided herein.

H. B. 711. An Act establishing as a part of the primary system of State highways a road leading from the Taylorsville and Louisville highway, near Henry Glass, via E. B. Neal's farm to Whitfield in Spencer County.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the road leading from the Taylorsville and Louisville Highway, near Henry Clay's, via E. B. Neal's farm to Whitfield in Spencer County, be and the same is hereby established and designated as a part of the primary system of State Highways of the Commonwealth of Kentucky. The construction, maintenance, supervision and control of said road shall be subject to all terms and conditions as set out and provided for in Chapter 17 of the Acts of the General Assembly 1920 establishing and creating the primary system of State Highways and amendments thereto.

H. B. 731. An Act establishing as a part of the primary system of State Highways a road beginning at Honakers Ferry, on south bank of Green River, via Glenmore, mouth of Bear Creek, Segal, Asphalt to Windyville, intersecting the Brownsville and Iron Bridge Road.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. There is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky a road beginning at Honakers Ferry, on the south bank of Green River, and running thence via Glenmore, the mouth of Bear Creek, Segal, Asphalt, to Windyville, intersecting at Windyville with the Brownsville and Iron Bridge Road, to be known and designated as Project No. —.

§ 2. The construction, maintenance, supervision, and control of said road shall be subject to and controlled by the provisions of Chapter 17 of the Acts of the General Assembly of 1920, as amended, to the same effect as if said road had been named in the original act as one of the projects of the primary system of State Highways as provided therein.

H. B. 732. An Act establishing as a part of the primary system of State highways a road leading from Flaherty, Kentucky, Meade County, via St. Martin's Church; thence to or near what is now known as Hall School House and intersecting proposed highway known as Big Spring to Hog Wallow Highway.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky, a road leading from Flaherty, Kentucky, Meade County, via St. Martin's Church; thence to or near what is now known as Hall School House intersecting proposed highway known as Big Spring to Hog Wallow Highway.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to and controlled by the provisions of Chapter 17 of the Acts of the General Assembly of 1920, as amended to the same effect as if said road had been named in the original Acts as one of the projects of the primary system of State highways as provided therein.

H. B. 740. An Act establishing the road beginning at a point where the Little Sugar Creek Turnpike connects with a turnpike running from the Boone County, Line, via Napoleon, to Glencoe, Kentucky, and running to a point at, or near, where said Little Sugar Creek Turnpike connects with United States Highways No. 42, running from Louisville, Kentucky, to Covington, Kentucky.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. There is hereby established the following road proj-

ect to be a part of the Primary System of State Highways of this Commonwealth, as defined in Chapter 17 of the Acts of the General Assembly of 1920, as follows: Beginning at a point where the "Little Sugar Creek Turnpike" connects with the turnpike running from the Boone County line, through Napoleon, to Glencoe, Kentucky; thence in a northwesterly course, following the general course of the "Little Sugar Creek Turnpike" to where same, or near where same, connects with U. S. Highway No. 42, running from Louisville, Kentucky, to Covington, Kentucky; all of which new project is in Gallatin County, Kentucky, and is about two and three-fourths miles in length.

H. B. 745. An Act to establish a primary road project from Ezel, Morgan County, Kentucky, by way of Omer and Twenty-six to Dehart to intersect with proposed road from Cannel City by way of Grassy Creek and Dehart to Wrigley, Kentucky.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. There is hereby established as part of the Primary System of State highways of the Commonwealth of Kentucky, a road beginning at Ezel, Kentucky, on the Garrett Highway No. 40; thence an east course to Omer; thence to Twenty-six; thence to Dehart where it intersects with a proposed State highway from Cannel City by way of Grassy Creek and Dehart to Wrigley, Kentucky.

The construction, maintenance, supervision and control of said road shall be subject to and controlled by the provisions of Section 17 of the Acts of the General Assembly of 1920 as amended; to have the same effect as if said road had been named in the original Act, as one of the projects of the Primary System of State Highways as provided therein.

H. B. 746. An Act to establish as a part of the primary

system of highways of the Commonwealth of Kentucky a road running from York trail, at a point between Zion Church and the residence of Chrisman Powell in Adair County, Kentucky to Montpelier, Kentucky.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That there is hereby established as a part of the Primary System of State Highways of the Commonwealth of Kentucky, a road beginning on York Trail at a point between Zion Church and the residence of Chrisman Powell in Adair County, thence to Montpelier, Kentucky. The construction, maintenance and supervision of said road shall be the same as provided for in Chapter 17 of the Acts of the General Assembly of 1920.

H. B. 747. An Act to establish as a part of the primary system of highways of the Commonwealth of Kentucky a road beginning on York trail, near residence of Dr. L. H. Jones in Adair County, Kentucky, to and connecting with Columbia and Burksville road near Sparksville, Kentucky.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That there is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky, a road beginning on York Trail near the residence of Dr. L. H. Jones in Adair County, Kentucky, thence to Gadberry, thence to Fairplay, thence to Inroad, thence to Chance, thence to and intersecting with the Columbia and Burksville road near Sparksville, Kentucky. The construction, maintenance, supervision and control of said road shall be the same as provided for in Chapter 17 of Acts of the General Assembly of 1920, establishing a primary system of State Highways.

H. B. 748. An Act to establish as a part of the primary system of highways of the Commonwealth of Kentucky, a road running from Cheathams Bridge on the Columbia and Campbellsville road in Adair County, to Elkhorn in Taylor County.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That there is hereby established as a part of the Primary System of State Highways of the Commonwealth of Kentucky, a road running from Cheathams Bridge on Columbia and Campbellsville road, in Adair County, thence to Holmes, thence to Elkhorn in Taylor County. The construction, maintenance and supervision of said road shall be the same as provided for in Chapter 17 of the Acts of the General Assembly of 1920.

H. B. 755. An Act creating and establishing as part of the State primary road system, a road beginning at a point in Highway No. 25, West Dixie Highway near Woodbine in Whitley County, and leading up Corn Creek via Meadow Creek and Tye's Ferry to Teague, Kentucky.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby created and established as part of the State Primary Road System, a road beginning at a point in Highway No. 25, West Dixie Highway near Woodbine in Whitley County, and leading up Corn Creek via Meadow Creek and Tye's Ferry to Teague, Kentucky.

§ 2. That said road to be under the supervision and receive all the benefits as set out in Chapter 17, Acts of the 1920 General Assembly.

H. B. 756. An Act establishing as part of the State primary road system, a road beginning at Gravel Switch, Marion County, thence east via Aliceton, at Boyle County line, thence north to connect with State Highway No. 68 and 168, the Lebanon and Danville Highway.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby established as part of the State primary road system a road beginning at Gravel Switch, Marion County, thence east via Aliceton, at Boyle County line, thence north to connect with State Highway Nos. 68 and 168, the Lebanon and Danville Highway.

§ 2. That said road to be under the supervision and to receive all the benefits as set out in Chapter 17, of Acts of the 1920 General Assembly.

H. B. 757. An Act to establish as a primary project, a road beginning at the forks of Long Fork of Shelby Creek in Pike County, Kentucky on State Project Number —, and leading up the right fork by way of Speight, Kentucky, crossing the mountain and down Right Beaver Creek to Wayland, Floyd County, Kentucky.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That a road beginning at the forks of Long Fork of Shelby Creek in Pike County, Kentucky, on State Project Number —, and leading up the right fork of the said Long Fork of Shelby Creek, by way of Speight, Kentucky, and crossing the hill to right Beaver Creek and down said right Beaver Creek, to Wayland, in Floyd County, Kentucky, be and the same is hereby established as a part of the primary

system of the State highway of the Commonwealth of Kentucky, and the construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out in chapter seventeen of the Act of the General Assembly of 1920, together with the amendments thereto establishing and creating a primary system of the State highway. Said project to be known as State Project Number —.

H. B. 758. An Act establishing as a State primary road in Allen County, a road beginning at a point on the Jackson Highway at or near E. H. Hinton's farm; thence in a northwesterly direction intersecting the Franklin Road in or about Chapel Hill.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there be and hereby is established as one of the primary road projects of the Commonwealth of Kentucky as follows, to-wit: A road beginning at a point on the Jackson Highway at or near E. H. Hinton's farm; thence in a northwesterly direction intersecting the Franklin road in or about Chapel Hill, in Allen County, Kentucky.

Said project shall receive all the benefits allowed and provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of State highways.

H. B. 767. An Act to establish as part of the primary system of State Highways of the Commonwealth of Kentucky, a road commencing at or near the foot of Cob Hill, on State Highway No. 52 and intersecting State Highway No. — at Zacharia.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby established as a part of the Primary System of State Highways of the Commonwealth of Kentucky a road commencing at or near the foot of Cob Hill on State Highway No. 52, in Estill County; thence via Cob Hill Post Office to Patsy Post Office, so as to intersect with the State Highway at Zacharia Post Office on State Highway No. —, approximately 12 miles.

§ 2. The construction, maintenance, supervision and control of the said road shall be subject to all the terms and conditions as set out and provided for in Chapter 17, Acts of the General Assembly of 1920, establishing and creating a primary system of State highways.

H. B. 768. An Act to add to the primary system of roads in the Commonwealth of Kentucky the road from the Gordon Turner Store on the road from Middlesboro to Fonde to Chenoa, by way of Bean's Fork, thence from Chenoa by way of Hignight Branch to a point near Climax to the Middlesboro Road.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That we hereby add to the primary system of the Commonwealth of Kentucky a road from a point on the Middlesboro Fonde road at Gordon Turner Store to Chenoa by way of Bean's Fork, a branch of Yellow Creek, to Chenoa in Bell County, thence from Chenoa in a Southernly direction to a point on the Middlesboro Fonde Road near Climax, by way of Hignight Branch of the Stony Fork Creek in Bell County, Kentucky.

This Act shall take effect according to the provisions of the Commonwealth of Kentucky.

H. B. 769. An Act relating to roads and highways, and creating project No. —, leading from a point in Princeton,

Kentucky, at the Highlands, to Hopkinsville, Kentucky, by the way of Old Sand Lick Road, passing at or near the Caldwell County Farm, Scorrsburgh School House, Friendship, Pleasant Grove Church, to the Christian County line.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is established and created a road Project No. —, extending from Princeton, Kentucky, at what is known as the Highlands, following the general route of the Old Sand Lick Road by the way of the Caldwell County Farm, Scottsburgh School House, Friendship, Pleasant Grove Church, to the Christian County line, at the point where the present Hopkinsville-Princeton road meet the county line between Caldwell and Christian Counties.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to and controlled by all the terms and conditions set out and provided for in Chapter No. 17, of the Acts of the General Assembly of 1920, and all amendments thereto, the same as though said road had been named in said original act as one of the projects of said primary system of State highways.

§ 3. Said road shall be designated and known as Project No. — of the primary system of State highways of the Commonwealth of Kentucky.

H. B. 781. An Act establishing as a part of the primary system of State highways a road beginning at the western city limits of Russell, Kentucky, and running thence west along a river front to the eastern city limits of Worthington, Kentucky, joining the hard road at the east end of Worthington, on Prospect Street.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. There is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky a road beginning at the western city limits of Russell, Kentucky, and running thence west along a river front to the eastern city limits of Worthington, Kentucky, joining the hard road at the east end of Worthington, on Prospect Street.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to all terms and conditions set out and provided for in Chapter 17, page 76, of the Acts of 1920, establishing and creating a primary system of State highways, and be entitled to and receive all benefits of such laws as are now or may hereafter be in effect with relation to the primary system of State highways.

All of above bills were referred to the Committee on Rules.

H. B. 712. An Act establishing as part of the primary system of State highways a road leading from Mount Eden in Shelby and Spencer Counties to the Bardstown Road about 1½ miles north of Mt. Washington in Jefferson County, via J. L. Stodghill farm, Little Mount, Rivals, Normandy, Charles Tichenor farm, Whitfield, Kings Church, Will Carrithers farm.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the road leading from Mount Eden in Shelby and Spencer Counties to the Bardstown Road, about 1½ miles north of Mt. Washington in Jefferson County, via G. L. Stodghill farm, Little Mount, Rivals, Normandy, Charles Tichenor farm, Whitfield, Kings Church and Will Carrithers

farm, be and the same is hereby established and designated as a part of the primary system of State highways of the Commonwealth of Kentucky. The construction, maintenance, supervision and control of said road shall be subject to all terms and conditions as set out and provided for in Chapter 17, Acts of the General Assembly of 1920, establishing and creating the primary system of State highways and amendments thereto.

H. B. 713. An Act relating to roads and highways, and describing and establishing a project to be added to the State highway system of roads and highways, running from State Highway No. 52 at or near the top of Hatton Hollow Hill, via Evelyn, and up Rosses Creek to Gentry's Store and thence via the Old Orchard and the Farmer Ridge to Stone Coal Church and thence following substantially the county road via Delvinta School to Ida May, Lee County.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

There is hereby established as a part of the primary system of highways in this Commonwealth, as created by Chapter 17 of the Acts of the General Assembly of 1920 and amended by Sessions Acts of 1922, 1924, 1926, and 1928, the following project:

Beginning in State Highway No. 52 at or near the top of Hatton Hollow Hill, thence substantially following the county road to Evelyn, thence crossing the Kentucky River and up Rosses Creek to Gentry's Store, and thence via the Old Orchard and the Farmers Ridge to Stone Coal Church, and thence substantially following the county road via Delvinta School to Ida May, Lee County, and intersecting Project No. —, at Ida May; all of said road being in Lee County.

This road thus established to be designated as Project

No. —, and to be entitled to and receive all benefits of such laws as are now or may hereafter be in effect relating to the primary system of highways in the Commonwealth of Kentucky.

H. B. 718. An Act relating to roads and highways and describing and establishing a project to be added to the State primary system of roads and highways.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. There is hereby established as a part of the primary system of this Commonwealth, as created by Chapter 17 of the Acts the General Assembly of 1920 and amended by Session Acts of 1922, 1924, 1926, 1928 and 1930, the following project, to-wit:

Beginning at a point on Highway No. 60 in the extreme west end of Owensboro, where the Ewing Road of Daviess County intersects Highway No. 60, thence with the Ewing Road about seven miles in a westerly direction to a point where a dirt road, running north and south between lands of Purdy, McCarty and others, intersects said Ewing Road, thence south with said dirt road about two miles to Highway No. 60.

§ 2. Said project thus established to be a part of the primary system of roads and highways and to be entitled to all of the benefits and subject to all the laws now or hereafter in force in relation to same.

H. B. 726. An Act to amend Section 1, Project No. 373, Chapter 315, page 675 of the Acts of the General Assembly of 1928, now Project No. 373, under Section 4356t-5, page 2253, road projects, of Carroll's Kentucky Statutes, 1930 Edition,

relating to establishing and designing a system of State highways and providing for their construction and maintenance.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Section 1, Project No. 373, Chapter 315, page 675, Acts of General Assembly of 1928, now Project No. 373 under Road Projects (Section 4356t-5) of Carroll's Kentucky Statutes, 1930 Edition, be and the same is hereby amended by adding thereto the words: "via Old Whitley Road, Piney Woods, and Keavy to the Laurel County line," so that said Project No. 373 will read as follows when amended:

Section 1. Project No. 373. That the road leading from a point in the U. S. Highway No. 25 at or near London, the county seat of Laurel County, Kentucky, to Cumberland Falls in Whitley County, a distance of approximately 38 miles, via Old Whitley Road, Piney Woods and Keavy to the Laurel County line, be and the same is hereby established and designated as a part of the primary system of State highways of the Commonwealth of Kentucky to be known as Project No. 373.

## COMMITTEE REPORTS

Senator Allie W. Young of the Committee on Rules, to which had been referred bills of the following titles:

S. B. 475. An Act relating to revenue and taxation and amending Sections 4281a-1 to 4281a-10, both inclusive, Kentucky Statutes, Carroll's 1930 Edition, being Chapter 111 of the General Assembly of 1924, as amended by Chapter 176 of the Acts of 1926.

S. B. 476. An Act to amend and re-enact Sections 1804 and 1820, respectively, of Carroll's Kentucky Statutes, 1930 Edition, relating to the establishment of ferries.

Reported with expression of opinion that same ought to pass.

Said bills were ordered to be read at length and placed on the calendar.

H. B. 12. An Act amending Section 4758a-3, Kentucky Statutes.

H. B. 180. An Act to make valid and enforceable written provisions or agreements for the arbitration of disputes.

H. B. 569. An Act providing for the reopening or reorganization, or consolidation of closed title companies or real estate title insurance companies in this Commonwealth.

H. B. 863. An act relating to revenue and taxation, imposing an excise or license tax on gasoline and all other liquid fuels, including all liquids ordinarily, practically and commercially usable in internal combustion engines for the generation of power, and all distillates of, and condensates from petroleum, natural gas, coal tar, vegetable ferments, and from all other products, so usable and sold in this Commonwealth at wholesale, as the words "at wholesale" are defined in this act; except kerosene, fuel oil, and crude oil as such; providing for the collection of such tax, for the keeping of records, reporting of sales, defining the duties of the State Tax Commission, and requiring reports to be made to the State Tax Commission, by railroads and other persons, firms or corporations showing the transportation and delivery of gasoline; exempting gasoline from local excise and license taxes; the distribution and use of the revenue derived therefrom, the administration of said laws, fixing fines and penalties for the violation of this act; repealing Chapter one hundred and twenty-seven of the acts of nineteen hundred and twenty-eight, and chapter one hundred and fifty-three of the acts of nineteen hundred and thirty, both of said chapters constituting the present Gasoline Tax Law.

H. B. 231. An act establishing as a part of the highway

system of highways of the Commonwealth of Kentucky, a road beginning at Waterview, Cumberland County, and leading to Black's Ferry, Monroe County via Cloyds Landing.

H. B. 357. An act relating to roads and bridges and establishing as a part of the primary system of the State highways a road leading from Fern Lake in Bell County, Kentucky, near the state line between Kentucky and Tennessee to a point on the Harlan to Pennington Road in Harlan County, and designating said road as ————.

H. B. 430. An act to establish as a part of the State primary road system.

H. B. 458. An act relating to roads and highways, and describing and establishing a project to be added to the State primary system of roads and highways, running from the Congleton Farm on the Beattyville and Booneville Highway to a point where the new road from Heidelberg connects with State Highway No. 52 at or near the top of Hatton Hollow Hill, via Idaman, Carryton, Pryse Brandenburg's store, and Heidelberg.

H. B. 459. An act relating to roads and highways, and describing and establishing a road project to be added to the State primary system of roads and highways running from the present State highway at the bridge at St. Helens, Lee County, running so as to intersect with the proposed State highway between Beattyville and Pine Ridge, at a point some distance east of where W. B. Bush now lives, substantially via the present county road leading toward Campton in Wolfe County.

H. B. 460. An act relating to roads and highways, and describing and establishing a project to be added to the State primary system of roads and highways, beginning at Oakdale, in Breathitt County, and running to where Dr. Granville Turner now lives and intersecting there with the survey running to Buck Horn in Perry County, via Punching Camp Creek, Shoulder Blade Mission, the middle fork of the Ken-

tucky River, mouth of Canoe Creek and the mouth of Longs Creek.

H. B. 461. An act establishing as a part of the primary system of the State highways of this Commonwealth a road leading from the Cairo Road at Temples Mill to Barlow where it intersects U. S. 60.

H. B. 462. An act establishing as a part of the system of State highways of the Commonwealth of Kentucky a road leading from the Corporation Limits of Paducah to a point on the Graves County line.

H. B. 463. An act establishing as part of the primary system of State highways of the Commonwealth of Kentucky a road leading from Woodlawn Schoolhouse in McCracken County on U. S. 60 leading to the Graves County line via Oak Station.

H. B. 464. An act establishing as a part of the system of State highways of this State a road from Lovelaceville to Leader Bottom of this State.

H. B. 465. An act establishing as a part of the primary system of State highways of this Commonwealth a road leading from Loanoak to Liberty Church in Graves County, Ky.

H. B. 478. An act creating and establishing as a part of the State primary system of roads and highways, a road project leading from Cox's Creek in Nelson County, Kentucky, to a point near Taylorsville, on the Taylorsville and Bardstown Road, via Fairfield and Little Union Church.

H. B. 479. An act creating and establishing as a part of the State primary system of roads and highways, a road project leading from Lebanon Junction, Bullitt County, Kentucky, to Wooldridge, Ferry via Newman Farm.

H. B. 480. An act creating and establishing as a part of the State primary system of roads and highways, a road

project leading from Rocky Hill, Edmonson County, Ky., via Merry Oaks, Barren County, Ky., to the highway leading from Bowling Green, Warren County, Ky., to Glasgow, Barren County, Ky.

H. B. 482. An act establishing as a part of the primary system of State highways a road from mouth of Brushy to mouth of Turkey Creek in Pike County.

H. B. 483. An act establishing as a part of the primary system of State highways, a road from a point on State Project 82 at the mouth of Road Fork of Big Creek; thence running down Big Creek to the mouth thereof intersecting with State Project No. —— in Pike Co.

H. B. 494. An act establishing as part of the primary system of State highways of the Commonwealth of Kentucky a road from a point on the Pikeville-Williamson Highway, State Route No. 82, near the mouth of Blackberry Fork of Pond Creek in Pike Co., to a point on the State line between Kentucky and Virginia on Knox Creek in said county.

H. B. 485. An act establishing as part of the primary system of State highways, a road beginning at a point on State Project No. —— at the mouth of Turkey Creek, in Project No. 82 at or near the bridge at the mouth of Road Fork of Big Creek.

H. B. 487. An act to establish as a part of the primary system of State highways of the Commonwealth of Kentucky, a road beginning at a point near Black Gnat School House and Church, a point near Highway No. 1 in Green County, by way of Whitewood to R. A. White's Farm in Green County, a distance of approximately two and a half miles.

H. B. 488. An act establishing as a part of the primary system of State highways a road leading from Pike View on the Jackson Highway to Bonnieville, Hart County, on the Dixie Highway by way of Hammonville, Hart County.

H. B. 489. An act establishing a primary road project beginning at Vernon, Kentucky, by way of Cumberland River to Tennessee line.

H. B. 490. An act to establish as part of the primary system of State highways of the Commonwealth of Kentucky, a road running from the foot of Stone Hill in Lewis County to the mouth of Wesleyville in Carter Co.

H. B. 495. An act establishing as part of State primary road system a road leading from Spring Lick P. O. via Spring Lick School to U. S. Highway 62, a distance of about one and one-tenth miles.

H. B. 496. An act establishing as part of the primary road system a road beginning about one and one-half miles east of McDaniels on the highway thence south via Calverts Chapel, crossing Rough River at Kiper Ford, by Duff, thence to No. 45, Hartford Road.

H. B. 501. An act establishing a road from New Haven in Nelson County, Kentucky by way of Roanoke to Elizabethtown in Hardin County, Kentucky as a State primary road, and designating said road as project ——.

H. B. 503. An act establishing as a part of the primary system of State highways a road beginning at or near Costlow on the Hartford road, then as near as practicable with said road through Homer to the intersection of the Hartford-Morgantown-Russellville road, about four miles north of Russellville.

H. B. 504. An act to establish as a part of the primary road system of the State highways of the Commonwealth of Kentucky, a road leading from Auburn, Ky., to Cavett Store, to connect with Procter Mill Rd.

H. B. 505. An act establishing as a part of the primary system of State highways a road beginning at the city limits

of Auburn, Ky., thence to Middleton, Kentucky, in Simpson County, to connect with the Russellville and Franklin Road.

H. B. 506. An act to add to the primary system of public highways a road leading from the Butler Co. line at or near Richelieu and following as near as practical the Proctor Mill road to the Morgantown-Russellville road at or near the W. T. Duncan farm.

H. B. 507. An act establishing as a part of the primary system of State highways a road beginning at a point on the Proctor Mill Road at Roscoe Hundleys corner, thence to the Morgantown Road, near old Chandler's Chapel.

H. B. 508. An act relating to roads and highways and establishing and creating a road project No. ——, extending from U. S. Road No. 60 at Midland in Bath County to West Liberty in Morgan County, as a State primary road.

H. B. 509. An act relating to roads and highways and creating and establishing a road project No. ——, beginning at the Mormon Church on the Owingsville and Preston Road in Bath County to Stepstone in Montgomery County, as a State primary road.

H. B. 510. An act to amend Kentucky Statutes, Section 4356t-5, which is an act designating and establishing primary State roads by adding thereto project No. —— described as beginning at a point in road No. 37 at intersection near Ewings Ford, and running with county road, up Little Kentucky Creek, by the farms of Calvert, Abrams, Pearce Bros., Verd Stanley, and Bob Greenwood, connecting with State Highways No. —— near Sulphur, Ky.

H. B. 511. An act establishing as part of the primary road system of Kentucky a road running from Pellyton in Adair County to a point in Liberty and Campbellsville Road at or near Price's shop in Casey County.

H. B. 512. An act establishing as a part of primary

road system of the State of Kentucky a road running from Gravel Switch, Marion County, to a point in Hustonville and Bradfordsville Road at Coffman's Store, Casey County.

H. B. 513. An act relating to roads and bridges and establishing as part of the primary system of State highways a road leading from the State bridge across the Kentucky River at Gratz, Kentucky, on the Owen County side of said bridge, thence in an easterly direction with State highway No. 22 about one mile thence in a southeast direction on the east side of the Kentucky River to and intersecting with the Federal highway at Monterey, Owen Co., Ky., and designating the same as State Project No. ——.

H. B. 514. An act establishing State primary road project ——, beginning at the intersection of the Frankfort and Owenton Pike and the Peaks Mill Pike, thence via Peaks Mill by Knights Ridge, Peaks Mill, Camp Pleasant, Dry Land Bridge, Elmville, Head of Cedar and to the Georgetown and Owenton Pike, U. S. 227.

H. B. 515. An act to establish as a part of the State primary road system a road to be known as Project No. ——— beginning at Dr. Miller's farm on Beech Grove and Calhoun Road, in McLean County, Kentucky, passing by Mt. Vernon Church near Wolfpin School House by Antioch Church to High banks.

H. B. 516. An Act to establish as a part of the State primary road system a road to be known as Project —, beginning at or near Clyde Grave farm on Calhoun and Beech Grove road, in McLean County, Kentucky, passing by the farm of Jesse Benton and the Edwards farm, by Leachman schoolhouse, intersecting the road leading from route 81 near Gleenville to Glover's schoolhouse.

H. B. 517. An Act establishing as a part of the primary system of State highways, a road beginning at river bridge on Garrett Highway No. 40, between West Liberty and White

Oak; thence up Lacy Creek to head of Trace Fork; thence to Rockhouse Creek; thence crossing Licking River; thence the nearest and most convenient route to the Lundy Risner Gap, a point on the Garrett Highway No. 40.

H. B. 538. An Act adding to the primary system of the State highways of the Commonwealth of Kentucky, a road from Four Mile in Bell County to Ivy Grove and to a point on the Stinking Creek road near DeWitt, Knox County.

H. B. 539. An Act establishing as a part of the State primary system a road leading from Grahn, Carter County, Kentucky, by Saulsberry to Gregoryville, in Carter County, Kentucky.

H. B. 540. An Act establishing as a part of the State primary road system a road leading from Willard, Carter County, Kentucky, to connect with the Sandy Hook and Louisa road at Isonville, Ky.

H. B. 541. An Act to establish as a part of the State primary system a road to be known as Project — to lead from Brooklyn, Butler County, Kentucky, to Welsh's Creek, in Butler County, Kentucky, via Embry Post Office.

H. B. 542. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

H. B. 543. An Act to establish a primary road project to be known as Project No. —, beginning at the mouth of Sexton's Creek in Owsley County at an intersection of State Project No. 11, and going up Sexton's Creek Post Office, and intersecting with Project No. 52, at or near a county bridge over Sexton's Creek on Project No. 21, below Burning Springs, Clay County, Kentucky.

H. B. 560. An Act to establish as a part of the State primary road system a road to be known as Project No. —.

and beginning on Highway No. 76, in McLean County, Kentucky, near the Livermore Ferry, passing the farms of Everley and Meadows to Point Pleasant, in McLean County.

H. B. 565. An Act to establish as a part of the primary system of State highways of the Commonwealth of Kentucky, a road known as the Boone Trail leading from Brodhead to Mt. Vernon, via Hopkins' farm and Menifee's store.

H. B. 571. An Act relating to roads and highways and establishing a road Project No. —, beginning at Campbell's store on the Old State Road in Bath County and running over the most convenient route up Hawes Branch and down Caney Creek and intersecting with the road from Midland to Yale in Bath County, as a State primary road.

H. B. 572. An Act relating to roads and highways and establishing and creating a road Project No. —, beginning on U. S. Road No. 60 about one mile west of Salt Lick in Bath County and running over the route of the Mones Ferry Turnpike Road to Grange City, in Fleming County, as a State primary road.

H. B. 573. An Act relating to roads and highways and establishing and creating a road Project No. —, beginning on Route No. 61 at Reynoldsville in Bath County and connecting with the Fields Highway at Shirburn, in Bath County, or a State primary road.

H. B. 574. An Act to establish a primary road project to be known as Project No. —, beginning at or connecting with State road at Bushong, Monroe County, Kentucky, by way of Sulphur Lick to Temple Hill, Barren County, Kentucky.

H. B. 575. An Act establishing as a part of the primary system of the State highways of the Commonwealth of Kentucky, a road from a point on State Highway No. 25-E, between the city limits of Middlesboro, Ky., and Cumberland

Gap, to the Cubbage Settlement School, on Brownies Creek, by way of Sugar Run, in Bell County, Kentucky.

H. B. 576. An Act creating a road project in Perry County, Kentucky.

H. B. 577. An Act designating and establishing, as a part of the primary system of the State highway system of the Commonwealth of Kentucky and as a part of the project leading from Beattyville, Lee County, Kentucky, to Jackson, Breathitt County, Kentucky, a road beginning at a point in the State highways at the mouth of Dunnigan's Branch in Lee County and running by the way of Long Shoal Schoolhouse, Tallega, Athol, Oakdale to Jackson, Breathitt County, Kentucky.

H. B. 578. An Act to establish as part of the primary system of State highways, a road from a point on U. S. Highway No. 60, at or near the Ross Threkeld's Farmhouse, thence to the Hampton-Birdsville Road Project No. —, at Blooming Grove Church grounds.

H. B. 579. An Act to establish as part of the primary road system of the Commonwealth of Kentucky, a road commencing at Hampton and crossing Bayou Creek near bridge at Old Harshell Church and via Blooming Grove Church grounds to Birdsville.

H. B. 603. An Act establishing as part of the primary road system, a road beginning at Second Baptist Church in Williamsburg via Red Bird Church, down the river to Parks Mill, Seed Tick Schoolhouse to intersect Cumberland Falls road.

H. B. 613. An Act establishing as a part of the primary system of State highways beginning at U. S. Highway No. 27 about one-half mile northeast of Butler, Ky., and running east by way of Flower Creek and joining State Highway No. 10 at Pribles crossroads.

H. B. 620. An Act establishing as a part of the State primary system of highways in this Commonwealth a road leading from the Mattoon Consolidated school building in Crittenden County on U. S. 60 via Cotton Patch Hill, Fords Ferry, and intersecting the Ollie M. James Highway at the Flanery Place near Hebron Schoolhouse.

H. B. 621. An Act establishing as a part of the State primary system of highways a road leading from Seven Springs Church in Crittenden County by the way of the Sam Travis farm home, Caldwell Springs Church, Arch Oliver farm, thence to Fredonia in Caldwell County.

H. B. 622. An Act establishing as part of the State primary system of highways of this Commonwealth a road leading from Salem on U. S. 60 to Tiline on the proposed Ruby Laffoon Trail via Pinkneyville.

H. B. 623. An Act establishing as part of the primary system of State highways of the Commonwealth of Kentucky a road from a point where Cumberland Avenue intersects with Fitzpatrick Avenue in Middlesboro, Bell County, Kentucky, on State Highway No. 25-E, to a point where Binghamtown-Cut Off intersects with State Highway No. 25-E and shall be designated as 25-E.

H. B. 624. An Act establishing as a part of the primary system of the State highways, a road from Beverly by way of Howell and Garrottsburg to the Tennessee line near Noah Spring.

H. B. 625. An Act to establish as part of the State primary road system, a road beginning at Fountain Run, Monroe County, thence to J. W. Howards, via White Oak Ridge and connecting with Highway No. 100 near Flippin, Ky.

H. B. 626. An Act to add to the primary system of roads in the Commonwealth of Kentucky a road from Highway No. 61, starting at a point about one-half mile south of Allendale

in Green County to intersect the Campbellsville and Hodgenville highway at a point near Mac, Taylor County.

H. B. 627. An Act to establish as a State primary road project a road leading from the mouth of Middle Fork of Licking River, Magoffin County, Kentucky, on State Road No. 40, to Lee City, in Wolfe County, Kentucky.

H. B. 640. An Act to amend Kentucky Statutes, Section 4356t-5, which is an Act designating and establishing primary State roads, by adding thereto Project No. —, described as beginning at a point in U. S. Highway No. 42 near Alexis Abbotts and running by the farms of W. A. Bell, W. T. Hicks, Mrs. Chas. Smith and S. J. Turner to a point in State Road No. 55 near the residence of Dr. R. S. Garr in Oldham County, Kentucky.

H. B. 657. An Act placing on the primary system of roads a road from Highway 168 to Berea.

H. B. 658. An Act to establish a primary road project to be known as Project No. —, beginning at Charlie Rose's farm on Booneville and Buckhorn road in Owsley County, thence via Stay, Ky., to St. Helens in Lee County, Kentucky.

H. B. 659. An Act to establish a primary road project to be known as Project No. —, beginning at the mouth of White Oak in Owsley County on Project No. 11 running up White Oak and connecting with Booneville-Tyner Road Project No. — at New Hope, in Owsley County.

H. B. 660. An Act establishing as part of the State primary road system, a road beginning at Danville and Lebanon State Highway No. 68 and 168, at a point five miles east of Lebanon near Penick Schoolhouse, thence via Poplar Corner to Washington County line, directly to Springfield and Perryville State highways.

H. B. 661. An Act to establish as a part of the primary

road system a road to be known as Project No. — to lead from Sugar Grove, Butler County, Kentucky, to Richelieu, in Butler County.

H. B. 662. An Act establishing as part of the primary system of State highways a road beginning at a point two miles south of Falmouth in Pendleton County, Kentucky, on U. S. Highway No. 27 and running south by way of Hightower in Pendleton County, Kentucky, and Boyd, Harrison County, Kentucky, to join State Highway No. — at Colemansville, Harrison County, Kentucky.

H. B. 663. An Act establishing as a part of the primary system of State highways a road in Perry County, Kentucky.

H. B. 667. An Act to establish as a primary road project a road beginning about one-half mile east of Wellington, Menifee County, Kentucky, on State Road No. 40, and leading north by Herman Fields Store, Dan Post Office or Craft Schoolhouse and Big Woods, Kentucky, to Cold Cave Creek and with Cold Cave Creek to Beaver Creek Road Project No. —, in Menifee County, Kentucky.

H. B. 678. An Act to establish a primary road from State Project No. 12 by way of East View, Solway and Hardin Springs in Hardin County, to the Hardinsburg and Leitchfield State highway near Madrid in Breckinridge County.

H. B. 679. An Act to add a road to the primary road system of the Commonwealth of Kentucky.

H. B. 680. An Act to add a road to the primary road system of the Commonwealth of Kentucky.

H. B. 681. An Act to add to the primary system of roads a road from Old Paint Lick Presbyterian Church to Old Paint Lick Cemetery.

H. B. 682. An Act to add a road to the primary road system of the Commonwealth of Kentucky.

H. B. 683. An Act to add a road to the primary road system of the Commonwealth of Kentucky.

H. B. 684. An Act relating to the system of primary State roads and establishing as a part of the system of primary State roads the road from a point near the Blue and Gray State Park on the Elkton-Sharon Grove Road in Todd County, to the Jefferson Davis Highway at a point about a mile west of Russellville, in Logan County.

H. B. 685. An Act relating to the system of primary State roads and establishing as a part of the system of primary State roads the road from a point near Zion on Project No. 98, in Todd County, to Old Hadensville on Project No. 81 in Todd County.

H. B. 691. An Act to amend and re-enact Section 185, page 526, of the Acts of the General Assembly of 1924, now Kentucky State Road Project No. 80, by adding the words "Haddock's Ferry" just before the words "Calvert City" in said original act.

H. B. 692. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

H. B. 694. An Act relating to the primary system of roads and highways of the Commonwealth of Kentucky.

H. B. 697. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

H. B. 702. An Act creating and establishing as a part of the primary system of State highways of the Commonwealth of Kentucky a road leading from Foxport in Fleming County, Kentucky, and continuing via Bowman Springs to top of Bowman Mountain in Lewis County to intersect with road from Flemingsburg via Browning's Orchard to Petersville, to be known and designated as Project No. —.

H. B. 703. An Act to establish as a part of the primary system of State highways of Kentucky a road from Canmer, Hart County, to Defires, Hart County, a distance of approximately five miles.

H. B. 704. An Act to establish as a part of the primary system of State highways of Kentucky a road from Defires, Hart County, to Webb, Green County, a distance of approximately three miles.

H. B. 705. An Act to establish a primary road project to be known as Project No. —, beginning at J. Wilson's store at the mouth of Island Creek in Owsley County on Project No. 11 and running up Island Creek by way of Island City to Brewer's store on Sturgeon Creek in Owsley County and intersecting with Booneville, Tyner and East Bernstadt Road Project No. —.

H. B. 706. An Act to establish as a part of the primary system of State highways of the Commonwealth of Kentucky, a road from Rosewood to Belton in Muhlenberg County.

H. B. 707. An Act to establish as a part of the primary system of State highways of the Commonwealth of Kentucky, a road from Knightsburg in Muhlenberg County to Ceralvo, in Ohio County.

H. B. 708. An Act establishing as part of the State primary road system, a road beginning two miles east of Lebanon, on Highway No. 68 and 168, thence north with Short Line Pike via Pleasant Run Church, to Washington County line to connect with Springfield and Perryville Road. Said highway to be known and designated as Averitt and Harmon Highway.

H. B. 709. An Act to establish a primary road project to be known as Project No. —, beginning at the mouth of Road Run on State Project No. 11 in Clay County, Kentucky, thence up Buffalo Creek to the forks, thence up the left hand

fork to the head of Squabble Creek and down Squabble Creek to Buckhorn.

H. B. 710. An Act to establish a primary road project to be known as Project No. —, beginning at the Pendergrass farm near Pleasant Hill School on State Project No. 52 in Owsley County and running by way of Tommy Quillen's farm, by way of Vincent Post Office, Travelers Rest Post Office and intersecting with Booneville, East Bernstadt Road at or near New Hope in Owsley County.

H. B. 711. An Act establishing as a part of the primary system of State highways a road leading from the Taylorsville and Louisville Highway, near Henry Glass, via E. B. Neals farm to Whitfield in Spencer County.

H. B. 712. An Act establishing as part of the primary system of State highways a road leading from Mount Eden in Shelby and Spencer Counties to the Bardstown Road about one and one-half miles north of Mt. Washington in Jefferson County, via J. L. Stodghill farm, Little Mount, Rivals, Normandy, Charles Tichenor farm, Whitfield, Kings Church, Will Carrithers farm.

H. B. 713. An Act relating to roads and highways and describing and establishing a project to be added to the State highway system of roads and highways, running from State Highway No. 52 at or near the top of Hatton Hollow Hill, via Evelyn, and up Rosses Creek to Gentry Store and thence via the Old Orchard and the Farmer Ridge to Stone Coal Church and thence following substantially the county road via Delvinta School to Ida May, Lee County.

H. B. 718. An Act relating to roads and highways and describing and establishing a project to be added to the State primary system of roads and highways.

H. B. 726. An Act to amend Section 1, Project No. 373, Chapter 315, page 675, of the Acts of the General Assembly

of 1928, now Project No. 373, under Section 4356t-5, page 2253 (road projects) of Carroll's Kentucky Statutes, 1930 Edition, relating to establishing and designating a system of State highways and providing for their construction and maintenance.

H. B. 731. An Act establishing as a part of the primary system of State highways a road beginning at Honakers Ferry on south bank of Green River, via Glenmore, mouth of Bear Creek, Segal, Asphalt, to Windyville, intersecting the Brownsville and Iron Bridge Road.

H. B. 732. An Act establishing as a part of the primary system of State highways a road leading from Flaherty, Ky., Meade County, via St. Martin's Church, thence to or near what is now known as Hall Schoolhouse and intersecting proposed highway known as Big Spring to Hog Wallow Highway.

H. B. 740. An Act establishing the road beginning at a point where the Little Sugar Creek Turnpike connects with a turnpike running from the Boone County line via Napoleon, to Glencoe, Ky., and running to a point at, or near, where said Little Sugar Creek Turnpike connects with United States Highway No. 42 running from Louisville, Ky., to Covington, Ky.

H. B. 745. An Act to establish a primary road project from Ezel, Morgan County, Kentucky, by way of Omer and Twenty-six to Dehart to intersect with proposed road from Cannel City by way of Grassy Creek and Dehart to Wrigley, Ky.

H. B. 746. An Act to establish as a part of the primary system of highways of the Commonwealth of Kentucky a road running from York Trail, at a point between Zion Church and the residence of Chrisman Powell in Adair County, Kentucky, to Montpelier, Ky.

H. B. 747. An Act to establish as a part of the primary

system of highways of the Commonwealth of Kentucky a road beginning on York Trail, near residence of Dr. L. H. Jones in Adair County, Kentucky, to and connecting with Columbia and Burksville Road near Sparksville, Ky.

H. B. 748. An Act to establish as a part of the primary system of highways of the Commonwealth of Kentucky, a road running from Cheathams Bridge on the Columbia and Campbellsville Road in Adair County, to Elkhorn in Taylor County.

H. B. 755. An Act creating and establishing as part of the State primary road system, a road beginning at a point in Highway No. 25, West Dixie Highway near Woodbine in Whitley County, and leading up Corn Creek via Meadow Creek and Tyes Ferry to Teague, Ky.

H. B. 756. An Act establishing as part of the State primary road system, a road beginning at Gravel Switch, Marion County, thence east via Aliceton, at Boyle County line, thence north to connect with State Highway No. 68 and 168, the Lebanon and Danville Highway.

H. B. 757. An Act to establish as a primary road a road beginning at the forks of Long Fork of Shelby Creek in Pike County, Kentucky, on State Project No. —, and leading up the right fork by way of Speight, Ky., crossing the mountain and down right Beaver Creek to Wayland, Floyd County, Kentucky.

H. B. 758. An Act establishing as a State primary road in Allen County, a road beginning at a point on the Jackson Highway at or near E. H. Hinton's farm, thence in a northwesterly direction intersecting the Franklin road in or about Chapel Hill.

H. B. 796. An Act placing on the primary system of roads and highways a road from Highway No. 25 in Rockcastle County to Jackson County line.

H. B. 797. An Act to establish as a part of the State primary road system a road to be known as Project No. ——, and beginning on Highway No. 75, in McLean County, Kentucky, near the Livermore Ferry across Rough River, running thence in an easterly direction passing through or near Matanzas to Centertown, Ohio County.

H. B. 798. An Act establishing as part of the State primary road system a road beginning on Kentucky Highway U. S. 25W, at Rockhold, passing by Tidal Wave post office and Tidal Wave Church and running through the Henry Tye Gap and intersecting with the Corbin-Cumberland Falls road near Dearing post office.

H. B. 799. An Act placing on the primary system of roads and highways, a road from Mt. Vernon to Spotwood Coal Fields.

H. B. 800. An Act to place on the primary system of roads and highways, a road from Mershon post office to Hazelpatch.

H. B. 801. An Act to place on the primary system of roads and highways, a road from East Bernstadt to Hazelpatch.

H. B. 802. An Act establishing a road leading from Long Branch, Meade County, Kentucky, to Brandenburg.

H. B. 803. An Act establishing a road leading from Long Branch, Meade County, Kentucky, to Brandenburg.

H. B. 804. An Act to establish as a primary road project a road beginning at Bethesda, Wayne County, Kentucky, and leading in a westerly direction a distance of about one and a half miles along Shearer Valley Turnpike road to State Road Project No. 90 in Wayne Co., Ky.

H. B. 805. An Act creating and establishing a part of the primary system of State highways, a road running from

Badger in Taylor County via Attilla to Gleenings in Larue County.

H. B. 806. An Act creating and establishing as a part of the primary system of State highways a road beginning near the residence of George M. Slaughter in Larue County, Kentucky, and running thence via Silvia and Pearl Hollow to a point intersecting the Elizabethtown and Bardstown road at or near Boston, Ky.

H. B. 818. An Act to establish a primary road project to be known as Project No. ——, beginning at Burning Springs in Clay County, running via Fogertown in Clay County, intersecting Project No. 80 at or near Brock, Kentucky, in Laurel County.

H. B. 819. An Act to establish a primary road project to be known as Project No. ——, beginning at Bosworth Trail, Project No. ——, at or near Bright Shade Post Office in Clay County, Kentucky, and running up Mill Creek, down Stinking Creek in Knox County, intersecting with Dixie Highway, Project No. 25, near Flat Lick in Knox County.

H. B. 820. An Act establishing a road from Breedings Creek at State Highway 15 to Hindman, Knott County, Kentucky, at State Highway 80.

H. B. 281. An Act creating and establishing as a part of the primary road system of highways of the State of Kentucky, a road running from Kings Store in Casey County and up Brush Creek to Frys Creek; thence up Frys Creek by the way of Neelys Gap to a point in the Hustonville and Bradfordsville Highways near Coffman store, said road to be designated by the State Highway Department with an appropriate project number.

H. B. 826. An Act relating to roads and highways and describing and fixing the project to be added to the primary system of roads and highways.

H. B. 832. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

H. B. 867. An Act to add to the primary system of public highways a road leading from State Highway No. 80 in Perry County, Kentucky, to Harveyton, on First Creek, in Perry County, Kentucky, via Crawford, Bonnyman, Blue Diamond, to be known as the Blue Diamond Trail.

H. B. 767. An Act to establish as part of the primary system of State highways of the Commonwealth of Kentucky, a road commencing at or near the foot of Cob Hill, on State Highway No. 52, and intersecting State Highway No. —— at Zacharia.

H. B. 768. An Act to add to the primary system of roads in the Commonwealth of Kentucky the road from the Gordon Turner Store on the road from Middlesboro to Fonde to Chenoa by way of Beans Fork, then from Chenoa by way of Hignight Branch to a point near Climax to the Middlesboro Road.

H. B. 769. An Act relating to roads and highways, and creating Project No. ——, leading from a point in Princeton, Kentucky, at the Highlands, to Hopkinsville, Kentucky, by the way of the Old Sand Lick Road, passing at or near the Caldwell County Farm, Scorrsburgh School House, Friendship, Pleasant Grove Church, to the Christian Co. line.

H. B. 781. An Act establishing as a part of the primary system of State highways a road beginning at the western city limits of Russell, Kentucky, and running thence west along a river front to the eastern city limits of Worthington, Kentucky, joining the hard road at the east end of Worthington, on Prospect Street.

Reported said bills and resolutions with expression of opinion that same ought to pass.

Said bills were ordered read at length and to be placed on the calendar.

CALENDAR

Senator Gates F. Young moved that the second reading of bills and resolutions at length be dispensed with and that they be read by their titles only, and placed in Orders of the Day.

Said motion was agreed to by a majority of the members elected.

It was ordered that the bills and resolutions be read by their titles only and placed in the Orders of the Day.

Titles to said bills are as follows:

S. B. 470. An Act to repeal and re-enact Section 418a, Carroll's Kentucky Statutes, 1930 Edition, relating to redistricting the State of Kentucky into nine Congressional Districts, in pursuance to the 1930 Federal Re-apportionment Act.

S. B. 471. An Act abolishing the office of County Treasurer and repealing and re-enacting Section 8928, Carroll's Kentucky Statutes, 1930 Edition.

S. B. 472. An Act abolishing the office of County Jailor and fixing certain additional duties for the County Sheriffs and providing for an office for the said sheriffs, defining his duties and fixing his salary and the salary of his deputies and to repeal and reenact the following sections of Carroll's Kentucky Statutes, 1930 Edition: 1726, 4122, 4168, 4399a-8, 4557, 4560.

S. B. 473. An Act dealing with revenue and taxation and creating the office of County Auditor, fixing his duties and salary, providing for bond to be executed, fixing the manner of election and term of offices of the County Auditor and deputies and abolishing the office of County Assessor and

repealing and reenacting the following sections of Carroll's Kentucky Statutes, 1930 Edition.

H. B. 582. An Act to regulate the license of animals for public service.

H. B. 257. An Act to amend and re-enact Section 1599a-82, Subsection 2, of the Kentucky Statutes, compiled by the Hon. John D. Carroll.

H. B. 601. An Act to authorize the Sewer Commission of any city of the first class to sell bonds under par.

H. B. 494. An Act to amend and re-enact Section 1290a-13, Kentucky Statutes, relating to a license fee for boxing, wrestling or athletic exhibitions so that after amended and re-enacted that the same shall read as follows:

H. Res. 20. Resolution authorizing E. G. Barrass to sue the Commonwealth of Kentucky and the State Highway Commission of Kentucky.

S. B. 474. An Act providing for a State School Fund.

A message was received from the House of Representatives announcing that they had refused to concur in the amendments proposed to H. B. 84 to which the Senate proposed on March 2 (for amendment see Journal of March 2), with the request that the Senate recede from said amendments.

Senator Gates Young moved that the Senate refuse to recede from said amendments and that a committee on conference be appointed to meet with a like committee of the House of Representatives to consider said amendments.

The question being taken thereon, was decided in the affirmative.

Thereupon, the President of the Senate appointed Sen-

ators Gates F. Young, Naive and Moss as said Conference Committee.

Senator Allie W. Young moved that the Senate recess for thirty minutes.

Said motion was agreed to.

After a recess of 30 minutes, the Senate reconvened.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. B. 449. An Act relating to Railroad Commissioner's Districts.

Senator Allie W. Young of the Committee on Kentucky Statutes No. 1 proposed the following amendment by the way of a substitute therefor to said bill:

Substitute reads as follows:

COMMITTEE'S SUBSTITUTE FOR SENATE BILL No. 449 IN SENATE.

An Act relating to Railroad Commissioners' Districts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

(1) For the purpose of electing Railroad Commissioners for the three Railroad Districts of the Commonwealth, the Commonwealth of Kentucky is divided into three separate Railroad Commissioners' Districts as follows:

(2) The First Railroad Commissioner's District shall be composed of the following named counties:

| | | | |
|---|---|---|---|
| Meade | Hardin | Larue | Allen |

| | | | |
|---|---|---|---|
| Metcalfe | Barren | Monroe | Grayson |
| Simpson | Warren | Edmonson | Butler |
| Breckenridge | Hancock | Ohio | McLean |
| Logan | Todd | Muhlenberg | Hopkins |
| Daviess | Henderson | Webster | Lyon |
| Christian | Trigg | Caldwell | Marshall |
| Crittenden | Union | Livingston | Ballard |
| Calloway | Graves | McCracken | Cumberland |
| Hickman | Fulton | Carlisle | |
| Adair | Green | Hart | |

(3) The Second Railroad Commissioner's District shall be composed of the following counties:

| | | | |
|---|---|---|---|
| Gallatin | Owen | Scott | Bourbon |
| Jessamine | Madison | Clark | Garrard |
| Russell | Casey | Lincoln | Woodford |
| Boyle | Mercer | Anderson | Carroll |
| Franklin | Henry | Oldham | Jefferson |
| Trimble | Grant | Boone | Nelson |
| Shelby | Spencer | Bullitt | Montgomery |
| Washington | Marion | Taylor | |
| Harrison | Wayne | Fayette | |

(4) The Third Railroad Commissioner's District shall be composed of the following counties:

| | | | |
|---|---|---|---|
| Kenton | Estill | Jackson | Laurel |
| Rockcastle | Knox | Harlan | Bell |
| Leslie | Perry | Letcher | Floyd |
| Pike | Martin | Johnson | Breathitt |
| Clay | Owsley | Lee | Powell |
| Bath | Nicholas | Fleming | Robertson |
| Pendleton | Bracken | Campbell | Lewis |
| Mason | Greenup | Rowan | Carter |
| Elliott | Boyd | Lawrence | Morgan |
| Magoffin | Wolfe | Menifee | Knott |
| Clinton | Whitley | Pulaski | McCreary |

(5) All Acts in conflict herewith are hereby repealed.

Senator Allie W. Young moved that said bill be adopted.

Said motion was agreed to by a majority of members elected.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. For the purpose of electing Railroad Commissioners for the three Railroad Districts of the Commonwealth, the Commonwealth is now divided into three separate Railroad Commissioners' Districts as follows:

(1) The first district shall be composed of the following named counties:

Meade, Hardin, LaRue, Hart, Metcalfe, Barren, Monroe, Allen, Simpson, Warren, Edmonson, Grayson, Breckenridge, Hancock, Ohio, Butler, Logan, Todd, Muhlenberg, McLean, Daviess, Henderson, Webster, Hopkins, Christian, Trigg, Caldwell, Lyon, Crittenden, Union, Livingston, Marshall, Calloway, Grover, McCracken, Ballard, Hickman, Fulton, Carlisle, Wayne, Bell, Pulaski, McCreary, Cumberland.

(2) The second district shall be composed of the following named counties:

Gallatin, Owen, Scott, Fayette, Jessamine, Madison, Clark, Bourbon, Russell, Casey, Lincoln, Garrard, Boyle, Mercer, Anderson, Woodford, Franklin, Henry, Oldham, Carroll, Trimble, Grant, Boone, Jefferson, Shelby, Spencer, Bullitt, Nelson, Washington, Marion, Taylor, Green, Adair.

(3) The third district shall be composed of the following named counties:

Kenton, Harrison, Estill, Jackson, Laurel, Rockcastle, Knox, Harlan, Leslie, Perry, Letcher, Floyd, Pike, Martin,

Johnson, Breathitt, Clay, Owsley, Lee, Powell, Montgomery, Bath, Nicholas, Fleming, Robertson, Pendleton, Bracken, Campbell, Lewis, Mason, Greenup, Rowan, Carter, Elliott, Boyd, Lawrence, Morgan, Magoffin, Wolfe, Menifee Knott, Clinton and Whitley.

All acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

Senator Gaines moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Silas Jacobs | O. M. Rogers |
| W. W. Booles | L. C. Littrell | R. H. Royster |
| Edwin C. Dawson | Rev. C. D. McClaw | Joe Stewart |
| Thos. C. Ferguson | C.T.McCormick,Sr. | Thos. O. Turner |
| Perry B. Gaines | E. C. Moore | Sewell B. Williams |
| Arch Hamilton | D. C. Naive | W. A. Yates |
| J. S. W. Holloway | Marion F. Pogue | Allie W. Young |
| Robert Humphreys | Dr. G. W. Ragan | Gates F. Young |

—24

Those who voted in the negative were:

| | | |
|---|---|---|
| H. M. Brock | Alex E. Johnson | J. M. Rose |
| Dr. T. J. Edge | Frank I. Lloyd | Dr. Lewis Ryans |
| Walter N. Flippin | Wm. Mehler | Fred C. VanHoose |
| Wm. Isaacs | Ray B. Moss | F. M. White |

—12

Resolved that the title thereof be as aforesaid.

Senator Gaines moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. B. 414. An Act relating to the Fiscal administration of the Commonwealth of Kentucky, and amending Section 1992a-24, Carroll's Kentucky Statutes, 1930 Edition, prescribing the duties of the State Budget Commission with reference to the control and supervision of expenditures by the various budget units of the State, and prescribing the duties of the Auditor of Public Accounts, the State Tax Commission and other officers of the State, and repealing Section 1992a-26 Carroll's Kentucky Statutes, 1930 Edition.

Senator Stephenson offered the following amendment to S. B. 414, Amend Senate Bill No. 414, by adding at the end of line 85 of Section two of the printed bill the following:

Section 2a. The provisions of section two of this act shall not apply to the Governor, Auditor of Public Accounts, State Treasurer, Secretary of State, Superintendent of Public Instructions, Court of Appeals, Attorney General, Commissioner of Agriculture, Labor and Statistics and the Clerk of the Court of Appeals.

Senator Stephenson moved that said amendment be adopted.

The question being taken thereon, was decided in the affirmative.

Therefore, said amendment was adopted.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Section 1992a-24, Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby is amended and re-enacted, and as amended and re-enacted shall read as follows:

The Governor may, in his discretion, require any contract for the purchase of supplies, or contract, plans or specifications for the purchase of real estate, or the construction or reconstruction of any building or other public work whatsoever, contemplated or entered into by any department, board, commission, institution, office, agency, society or other administrative organization of the Commonwealth, to be submitted to him for his approval, and if, in his opinion, the proposed expenditure is unwise, or if any contract, or contracts, plans, or specifications, in his judgment, are ill advised, he shall have the power and authority to disapprove said contract, or contracts, plans or specifications, and upon the disapproval of said contract or contracts, plans or specifications, shall be null and void.

§ 2. The State budget commission shall have the power and authority and it shall be its duty to supervise and control the expenditures of each budget unit of the State during each fiscal year. The State budget commission shall require the head of each budget unit to file with it on the first day of each month, after the first calendar month of the fiscal year, a detailed statement showing its expenditures for the preceding calendar month, and shall require the head of each budget unit at the end of each three months to file a summary of its expenditures for the three preceding months, together with a forecast of its necessary expenditures for the next three months. The budget commission shall require the State Tax Commission and other officers and agencies of the State, whose duty it is to collect the revenues of the State, to file with them a statement every three months of the fiscal year showing in detail the accrual of revenues of the State, together

with a forecast as to the amount of revenues that may be expected to accrue during the next three months.

If any budget unit of the State, in the judgment of the budget commission, is spending the funds provided for its operation or maintenance for the current fiscal year, inefficiently, or is making expenditures that are unnecessary, ill advised, or unwise, it shall be the duty of the budget commission to execute a written authorization from time to time, placing such limitations upon any budget unit, or budget units, in the expenditures of the funds provided for its operation or maintenance, as it may deem proper, to the end that waste of public funds and overdrafts on the State Treasury will not occur in any budget unit of the State.

The written authorization provided for shall be signed by the chairman of the budget commission and one copy thereof delivered to the Auditor of Public Accounts, and another copy to the budget unit or budget units affected by said written authorization. The Auditor of Public Accounts shall have no power or authority to honor any voucher or certify any contract against any budget fund in excess of the limitations that may be placed on expenditures from a budget fund, or funds, by said written authorization.

§ 3. That Section 1992a-26, Carroll's Kentucky Statutes, 1930 Edition, be and the same is hereby repealed.

§ 4. The provisions of this act shall become effective on the first day of July, 1932.

§ 5. All acts and parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

Senator Stephenson moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Walter N. Flippin | Rev. C. D. McCaw | E. D. Stephenson |
| Perry B. Gaines | Wm. Mehler | Joe Stewart |
| Silas Jacobs | Ray B. Moss | Fred C. VanHoose |
| Alex E. Johnson | Dr. G. W. Ragan | Sewell B. Williams |
| L. C. Littrell | J. M. Rose | —14 |

Those who voted in the negative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | J. S. W. Holloway | O. M. Rogers |
| W. W. Booles | Robert Humphreys | Thos. O. Turner |
| H. M. Brock | Frank I. Lloyd | F. M. White |
| Edwin C. Dawson | C.T.McCormick,Sr. | W. A. Yates |
| Dr. T. J. Edge | E. C. Moore | Allie W. Young |
| Arch Hamilton | D. C. Naive | Gates F. Young |
| | | —18 |

Therefore, said bill was lost.

Resolved that the title thereof be as aforesaid.

Senator Allie W. Young moved that the vote by which said bill was lost be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of

the Day a bill which originated in the House of the following title:

H. B. 185. An Act to amend and re-enact Sections 280 and 281 of Criminal Code of Practice.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section 280 of the Criminal Code of Practice be and the same is amended and re-enacted and as amended and re-enacted shall read as follows:

Upon the trial of criminal or penal prosecutions, either party may except to any decision of the court by which the substantial rights of such party are prejudiced.

§ 2. That section 281 of the Criminal Code of Practice be and the same is amended and re-enacted and as amended and re-enacted shall read as follows:

The decision of the court upon challenges, and for cause, or upon motions to set aside the indictment, shall be subject to exception.

§ 3. All acts and parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

Senator Stephenson moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of

said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | J. S. W. Holloway | J. M. Rose |
| W. W. Booles | Alex E. Johnson | R. H. Royster |
| Dr. T. J. Edge | Rev. C. D. McCaw | E. D. Stephenson |
| Thos. C. Ferguson | Wm. Mehler | Joe Stewart |
| Walter N. Flippin | E. C. Moore | W. A. Yates |
| Perry B. Gaines | Dr. G. W. Ragan | Allie W. Young |
| Arch Hamilton | O. M. Rogers | Gates F. Young |

—21

Those who voted in the negative were:

| | | |
|---|---|---|
| H. M. Brock | Silas Jacobs | Ray B. Moss |
| Robert Humphreys | C.T.McCormick,Sr. | |

—5

Resolved that the title thereof be as aforesaid.

Senator Stephenson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. B. 409. An Act regulating the charges of tobacco warehousemen for the handling and sale of loose leaf tobacco, and imposing penalties for its violation.

Senator Humphries proposed the following amendment, to said bill.

Amend Senate Bill 409 by adding line 12, par. 1, page 1, of printed bill after the word Price, the following: Words: —except on tobacco selling for five dollars or less per hundred pounds on which a commission not to exceed three and one-half per cent may be charged.

Senator Humphries moved the adoption of said amendment.

The question being taken thereon, was decided in the negative.

Therefore, said amendment was lost.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be unlawful for any tobacco warehousemen, corporation, firm or individual who shall be engaged in the business of receiving and selling loose leaf tobacco at public auction in this Commonwealth to charge, collect or receive any amount in excess of the following charges for the following services, to-wit:

For receiving, handling, and weighing of loose leaf tobacco the sum of Fifteen Cents (15c) per one hundred (100) pounds.

For Auction Fee the sum of Ten Cents (10c) per one hundred pounds.

For selling and collecting the sale price of loose leaf tobacco sold at public auction a commission of two and one-half per cent (2½%) of the sale price.

§ 2. Any warehouseman, agent, manager, corporation or organization who shall violate the provisions of this Act shall be guilty of a misdemeanor, and shall, upon trial and convic-

tion in any court of competent jurisdiction, be fined for each offense in any sum not less than Two Hundred Dollars ($200.00), nor more than Three Hundred Dollars ($300.00), in the discretion of the Court or jury trying the case.

Ordered that said bill be read the third time.

Senator Allie W. Young moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | L. C. Littrell | R. H. Royster |
| W. W. Booles | Frank I. Lloyd | Dr. Lewis Ryans |
| H. M. Brock | C.T.McCormick,Sr. | Joe Stewart |
| Edwin C. Dawson | Wm. Mehler | Thos. O. Turner |
| Dr. T. J. Edge | E. C. Moore | Fred C. VanHoose |
| Walter N. Flippin | Ray B. Moss | F. M. White |
| Wm. Isaacs | D. C. Naive | Sewell B. Williams |
| Silas Jacobs | Marion F. Pogue | Allie W. Young |
| Alex E. Johnson | J. M. Rose | Gates F. Young |

—28

Those who voted in the negative were:

| | | |
|---|---|---|
| Perry B. Gaines | Robert Humphreys | O. M. Rogers |
| J. S. W. Holloway | Rev. C. D. McCaw | |

—5

Resolved that the title thereof be as aforesaid.

Senator Allie W. Young moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

H. B. 362. An Act amending Section 579, Kentucky Statutes, Carroll's 1930 Edition, relating to banks and banking, and empowering banks, trust companies, and combined banks and trust companies to pledge certain assets as security for public funds of the United States, State, municipal, county, public schools, taxing districts, and other public funds.

Senator Gates F. Young moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled:

S. B. 457. An Act to change the 27th and the 28th Judicial District and to fix the time for holding court therein.

Senator Brock moved that said bill be passed and hold its place in the Orders of the Day.

Said motion was agreed to.

A message was received from the House of Representatives announcing that they had passed a bill of the following title:

S. B. 135. An Act to amend and re-enact Section 2 of Section 606 of Carroll's Kentucky Civil Code of Practice.

with the following amendments thereto:

1. Amend S. B. 135 in House by inserting before the word "unless" in line 14 on page 2 of the printed bill thereof, the following words and figures, to-wit: "and except in actions for personal injury, death or damage to property by negligence or tortious acts."

2. Amend S. B. 135 in House by striking from lines 17 and 18 on page 2 of the printed bill thereof, the following words, to-wit: "or an adverse party shall have introduced evidence with reference to such statement, transaction or act."

3. Amend S. B. 135 in House by striking from lines 21 and 22 on page 2 of the printed bill thereof, the following words, to-wit: "or an adverse party shall have introduced evidence with reference to such statement, transaction or act."

4. Amend S. B. 135 in House by striking from lines 26 and 27 on page 2 of the printed bill thereof, the following words, to-wit: "or an adverse party shall have introduced evidence with reference to such statement, transaction or act."

Senator Franklin moved that the Senate concur in House amendments to said bill.

The question being taken thereon, was decided in the affirmative by a majority of the members elected.

Therefore, said amendments were severally agreed to

Thereupon, said bill was put upon its passage.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Robert Humphreys | Dr. G. W. Ragan |
| W. W. Booles | Wm. Isaacs | O. M. Rogers |
| H. M. Brock | Alex E. Johnson | J. M. Rose |
| Edwin C. Dawson | Rev. C. D. McClaw | R. H. Royster |
| Dr. T. J. Edge | Wm. Mehler | Dr. Lewis Ryans |
| Thos. C. Ferguson | E. C. Moore | E. D. Stephenson |
| Walter N. Flippin | Ray B. Moss | Thos. O. Turner |
| Chas. G. Franklin | D. C. Naive | W. A. Yates |
| Perry B. Gaines | Marion F. Pogue | Allie W. Young |
| Arch Hamilton | | —28 |

Those who voted in the negative were:

Silas Jacobs —1

Said bill was passed as amended.

Resolved that the title thereof be as aforesaid.

Senator Gates F. Young moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Senator Allie W. Young moved that the Senate do now adjourn.

Said motion was agreed to.

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## TUESDAY, MARCH 8, 1932

The Senate was called to order by the President of the Senate, Lieutenant-Governor Albert B. Chandler.

The Senate was opened with prayer by Rev. Dr. Hampton Adams, of the Frankfort Christian Church.

The roll of the Senate was called and the following Senators answered to their names:

| | | |
|---|---|---|
| Jas. H. Bondurant | Silas Jacobs | J. M. Rose |
| W. W. Booles | Alex E. Johnson | R. H. Royster |
| H. M. Brock | L. C. Littrell | Dr. Lewis Ryans |
| Edwin C. Dawson | Frank I. Lloyd | E. D. Stephenson |
| Dr. T. J. Edge | Rev. C. D. McCaw | Joe Stewart |
| Thos. C. Ferguson | C.T.McCormick,Sr. | Thos. O. Turner |
| Walter N. Flippin | Wm. Mehler | Fred C. VanHoose |
| Chas. G. Franklin | E. C. Moore | F. M. White |
| Perry B. Gaines | Ray B. Moss | Sewell B. Williams |
| Arch Hamilton | D. C. Naive | W. A. Yates |
| J. S. W. Holloway | Marion F. Pogue | Allie W. Young |
| Robert Humphreys | Dr. G. W. Ragan | Gates F. Young |
| Wm. Isaacs | O. M. Rogers | —38 |

Senator Gates F. Young moved that the reading of the Journal be dispensed with and the Journal approved.

Said motion was agreed to.

Senator White moved that the privileges of the floor be extended to Dr. Hammond, Senator Antle and F. E. Bernard.

Said motion was agreed to.

Senator Williams moved that the privileges of the floor be extended to Mr. G. R. Allen.

Said motion was agreed to.

Senator Franklin proposed the following senate resolution:

S. Res. A.

## SENATE RESOLUTION REJECTING CERTAIN APPOINTMENTS OF FORMER GOVERNOR FLEM D. SAMPSON

Whereas, since the adjournment of the 1930 session of the

General Assembly of the Commonwealth of Kentucky former Governor Flem D. Sampson made numerous appointments of various persons to fill certain offices and positions and to fill the membership of various boards and commissions, all of which said appointments are shown upon the Executive Journal which is on file in the office of the Secretary of the State of Kentucky; said appointments are listed below, stating the time of said appointment, name of the appointee, name of the office or commission to which said persons were appointed and the term for which each was appointed: and

Whereas, none of said appointments have ever been submitted to the Senate of Kentucky for their confirmation, approval, consent or rejection, as is required under the provisions of Section 3750, Carroll's Kentucky Statutes, 1930 Edition, said list of appointments being as follows, to-wit:

Date Name Office Expiration of term.

March 6, 1930, Lester Jeter (to succeed Jas H. Wood), Board of Commissioners, Kentucky School for Deaf, January 1, 1932.

March 6. 1930, Frank James (to succeed Jas. S. Buster), Board of Commissioners, Kentucky School for Deaf, January 1, 1936.

March 6, 1930, Jas. F. Robinson (to succeed S. E. Clay), Board of Commissioners, Kentucky School for Deaf, January 1, 1936.

March 6, 1930, N. P. Armstrong (to succeed Monty Fox), Board of Commissioners, Kentucky School for Deaf, January 1, 1936.

March 6, 1930, J. R. Haselden, Sr., (to succeed R. J. Denny), Board of Commissioners, Kentucky School for Deaf, January 1, 1936.

March 10, 1930, Mrs. Lawrence F. Speckman, Board of Visitors, Kentucky School for the Blind, April 3, 1934.

March 10, 1930, Mrs. Wm. E. Koot, Board of Visitors, Kentucky School for Blind, April 3, 1934.

March 10, 1930, Saml, S. Friedman, Board of Visitors, Kentucky School for Blind, April 3, 1934.

March 10, 1930, Walter K. Belknap, Board of Visitors, Kentucky School for Blind, April 3, 1934.

March 10, 1930, H. D. Ormsby, Board of Visitors, Kentucky, School for Blind, April 3, 1934.

March 10, 1930, I. P. Barnard, Board of Trustees, Kentucky Confederate Home, April 1, 1932.

March 10, 1930, R. M. Poole, Board of Trustees, Kentucky Confederate Home, April 1, 1934.

March 10, 1930, Frank C. Taylor, Board of Trustees, Kentucky Confederate Home, April 1, 1934.

March 10, 1930, J. N. Gathright, Board of Trustees, Kentucky Confederate Home, April 1, 1934.

March 10, 1930, Eustace L. Williams, Board of Trustees, Kentucky Confederate Home, April 1, 1934.

March 10, 1930, Mrs. Harry McCarty, Board of Trustees, Kentucky Confederate Home, April 1, 1934.

March 10, 1930, Roy Steinfort, State Board of Charities and Corrections, March 9, 1931.

March 10, 1930, Miss Nancy A. Day, State Board of Charities and Corrections, March 9, 1931.

March 10, 1930, Chas. D. Cole, State Board of Charities and Corrections, March 9, 1932.

March 10, 1930, Vernon Richardson, State Board of Charities and Corrections, March 9, 1932.

March 10, 1930, John P. Haswell, State Board of Charities and Corrections, March 9, 1933.

March 10, 1930, John Skain, State Board of Charities and Corrections, March 9, 1933.

March 10, 1930, Chas, Davidson, State Board of Charities and Corrections, March 9, 1934.

March 10, 1930, Mrs. Sherley B. Wellman, State Board of Charities and Corrections, March 9, 1934.

March 20, 1930, Louis Crabb (in lieu of Andrew Barddus, deceased), Board of Trustees, Kentucky Confederate Home, April 1, 1932.

March 20, 1930, Will Dowling (in lieu of I. P. Barnard, deceased), Board of Trustees, Kentucky Confederate Home, April 1, 1932.

March 20, 1930, W. C. Merzwiler (to succeed Harry Klein), State Athletic Board of Control, May 1, 1932.

March 22, 1930, Judge Huston Quin, Mammoth Cave National Park Committee, as provided in Senate Bill 138, 1930 General Assembly.

March 22, 1930, Max B. Nahm, Mammoth Cave National Park Committee, as provided in Senate Bill 138, 1930 General Assembly.

March 22, 1930, Col. H. L. Iglehart, Mammoth Cave National Park Committee, as provided in Senate Bill 138, 1930 General Assembly.

March 22, 1930, S. French Hoge, Mammoth Cave National Park Committee, as provided in Senate Bill 138, 1930 General Assembly.

March 22, 1930, Senator Otto C. Gartin, Mammoth Cave

National Park Committee, as provided in Senate Bill 138, 1930 General Assembly.

March 22, 1930, Alvin H. Clark, Mammoth Cave National Park Committee, as provided in Senate Bill 138, 1930 General Assembly.

March 22, 1930, Henning Chambers, Mammoth Cave National Park Committee, as provided in Senate Bill 138, 1930 General Assembly.

March 22, 1930, Col. H. L. Igleheart, Mammoth Cave National Park Committee, as provided in Senate Bill 138, 1930 General Assembly.

March 22, 1930, Earl Winter, Mammoth Cave National Park Committee, as provided in Senate Bill 138, 1930 General Assembly.

March 28, 1930, Dr. J. L. Vallandingham, (to succeed Perry B. Gaines), Member State Board of Agriculture, March 20, 1934.

April 1, 1930, N. U. Bond (to succeed H. M. Brock), Board of Regents Normal School and Teachers College of Richmond, Kentucky, April 1, 1934.

April 1, 1930, H. D. Fitzpatrick (to succeed J. A. Sullivan), Board of Regents Normal School Teachers College of Richmond, Kentucky, April 1, 1934.

April 1, 1930, Claude T. Winslow (to succeed J. S. Wilson), Board of Regents Murray State Normal School, April 1, 1934.

April 1, 1930, S. J. Snook (to suceed G. P. Thomas), Board of Regents Murray State Normal School, April 1, 1934.

April 10, 1930, Morgan O. Hughes, Board of Regents

Normal School Teachers College, Bowling Green, Kentucky, April 1, 1934.

April 10, 1930, Sterrett Cuthbertson, Board of Regents Normal School Teachers College, Bowling Green, Kentucky, April 1, 1934.

April 12, 1930, Dr. Lillard T. Marshall, State Supervisor of Chiropractors, April 12, 1932.

April 17, 1930, Mrs. W. G. Deering, Board of Visitors, Kentucky School for the Blind, April 3, 1934.

April 17, 1930, Mrs. Ray Ratterman, Board of Visitors, Kentucky School for the Blind, April 3, 1934.

April 17, 1930, Henry O. Gray, Board of Visitors, Kentucky School for the Blind, April 3, 1934.

April 17, 1930, Robert Lucas, Sr., Board of Visitors, Kentucky School for the Blind, April 3, 1934.

April 17, 1930, Thomas E. Howe, Board of Visitors, Kentucky School for the Blind, April 3, 1934.

April 30, 1930, Huston Quin, Mammoth Cave National Park Commission, March 22, 1932.

April 30, 1930, Max B. Nahm, Mammoth Cave National Park Commission, March 22, 1932.

April 30, 1930, Robert J. Ball, Mammoth Cave National Park Commission, March 22, 1932.

April 30, 1930, S. French Hoge, Mammoth Cave National Park Commission, March 22, 1932.

April 30, 1930, Otto C. Gartin, Mammoth Cave National Park Commission, March 22, 1932.

April 30, 1930, Alvin H. Clark, Mammoth Cave National Park Commission, March 22, 1932.

April 30, 1930, Henning Chambers, Mammoth Cave National Park Commission, March 22, 1932.

April 30, 1930, H. L. Iglehart, Mammoth Cave National Park Commission, March 22, 1932.

April 30, 1930, Albert E. Ely (to succeed Earl Winter), Mammoth Cave National Park Commission, March 22, 1932.

March 1, 1930, Dr. Joe Jones, Kentucky Fish and Game Commission, May 1, 1933.

May 12, 1930, Fannie C. Rawson (to succeed Dr. E. L. Powell), Kentucky Library Commission, June 13, 1931.

June 1, 1930, B. W. Redding, State Board of Embalmers, June 1, 1934.

June 1, 1930, G. C. Boden (to succeed Scott Chambers), State Board of Embalmers, June 1, 1934.

June 3, 1930, W. T. Lacy (to succeed John H. Howard), District Mine Inspector, June 1, 1932.

June 3, 1930, Chas. Castle (to succeed John Wright), Miner member of Examining Board State Department of Mines, June 1, 1932.

June 10, 1930, W. J. Ryans, State Board of Accountancy, June 1, 1933.

June 18, 1930, John N. Ashcraft, Commissioner Kentucky Securities Law, June 18, 1934.

June 27, 1930, Mrs. A. T. Hert, Old Kentucky Home Commission, June 30, 1938.

June 27, 1930, R. Lee Calahan, Old Kentucky Home Commission, June 30, 1938.

July 1, 1930, J. M. Rose (to succeed Glenn Perry), Board of Regents Morehead State Teachers College, April 7, 1934.

July 1, 1930, W. A. Stanfill (to succeed W. Senff), Board of Regents Morehead State Teachers College, April 7, 1934.

July 7, 1930, Dr. R. B. Smoot, (to succeed Dr. A. J. Kay), State Board Veterinary Examiners, July 1, 1934.

July 9, 1930, Robert L. Hawes (to succeed Henry O. Gray), Member Board of Visitors, Kentucky School for the Blind.

July 9, 1930, Harry D. Martin, Member Board of Trustees, Kentucky State Industrial College, July 1, 1934.

July 9, 1930, J. H. Payne, Board of Trustees West Kentucky Industrial College, July 1, 1934.

July 9, 1930, Chas, Ferguson, Board of Trustees West Kentucky Industrial College, July 1, 1934.

July 9, 1930, Edmond W. Taylor, Kentucky Progress Commission, July 1, 1932.

July 9, 1930, R. M. Watt, Kentucky Progress Commission, July 1, 1932.

July 9, 1930, James L. Isenberg, Kentucky Progress Commission, July 1, 1932.

July 9, 1930, J. C. Miller, Kentucky Progress Commission, July 1, 1932.

July 9, 1930, J. Robert Kelley, Kentucky Progress Commission, July 1, 1932.

July 9, 1930, R. E. Cooper, Kentucky Progress Commission, July 1, 1932.

July 9, 1930, James C. Stone, Kentucky Progress Commission, July 1, 1932.

July 9, 1930, C. F. Richardson, Kentucky Progress Commission, July 1, 1932.

July 9, 1930, L. B. Shouse, Kentucky Progress Commission, July 1, 1932.

July 9, 1930, W. S. Campbell, Kentucky Progress Commission, July 1, 1932.

July 9, 1930, J. Graham Brown, Kentucky Progress Commission, July 1, 1932.

July 9, 1930, W. H. Brizendine, Kentucky Progress Commission, July 1, 1932.

July 31, 1930, Edgar W. Busath (to succeed Robert Lucas, Sr.,), Board of Visitors, Kentucky School for the Blind.

July 31, 1930, Flora E. Keen, State Board Examiners of Trained Nurses, July 8, 1934.

July 31, 1930, Sophia Steinhauer, State Board Examiners of Trained Nurses, July 8, 1934.

July 31, 1930, Sister Mary Boniface, State Board Examiners of Trained Nurses, July 8, 1934.

July 31, 1930, Alice Gaggs, State Board Examiners of Trained Nurses, July 8, 1934.

July 31, 1930, Sue Parker (to succeed Emma Parmalee).

July 31, 1930, H. H. Churchill, State Board Examiners and Registration of Architects, July 17, 1931.

July 31, 1930, Julian Oberwarth, State Board Examiners and Registration of Architects, July 17, 1932.

July 31, 1930, Ossian P. Ward, State Board Examiners and Registration of Architects, July 17, 1933.

July 31, 1930, Bernard Wisenall, State Board Examiners and Registration of Architects, July 17, 1934.

July 31, 1930, F. Paul Anderson, State Board Examiners and Registration of Architects, July 17, 1934.

August 15, 1930, Pearce Horne, Commissioner of Deeds for State of Kentucky in District of Columbia, August 15, 1932.

August 22, 1930, B. P. Keeney (to succeed Alanson Trigg), Kentucky Game and Fish Commission, July 17, 1934.

September 3, 1930, Harlan Winters (to succeed Ray B. Moss) Kentucky Game and Fish Commission, July 17, 1934.

November 13, 1930, C. P. Mayhall (to succeed Edwin M. Matthews), State Board Dental Examiners, October 14, 1935.

November 13, 1930, Mrs. Shirley B. Wellmann, State Board of Charities and Corrections.

December 1, 1930, R. E. Lawson, Operator Member Examining Board, State Department of Mines, December 1, 1932.

December 1, 1930, R. Lee Cassell (to succeed Linwood A. Brown), Member Kentucky Board of Pharmacy, October 1, 1935.

December 1, 1930, Harvey A. Babb, Vocational Educational Board, December 1, 1932.

December 1, 1930, V. B. Alexander, Vocational Educational Board, December 1, 1932.

December 3, 1930, Wiley H. Davis, State Director for Unemployment Relief, December 1, 1932.

December 15, 1930, H. M. Cline (to succeed J. L. Hughett), State Tax Commission.

March 4, 1931, Mrs. Simeon S. Willis, Kentucky Crippled Children's Commission, March 4, 1935.

March 9, 1931, Dr. W. W. Wash, State Board of Agriculture, March 1, 1935.

March 9, 1931, V. J. Harris, State Board of Agriculture, March 1, 1935.

March 9, 1931, Roy Steinfort, State Board of Charities and Corrections, March 9, 1935.

April 6, 1931, Admiral David B. G. Rose (to succeed Mrs. Sam H. Stone), My Old Kentucky Home Commission.

April 23, 1931, Miss Esther W. Burch (to succeed Mrs. Anne M. Spears), Kentucky Library Commission, June 13, 1934.

April 27, 1931, A. D. Sisk (to succeed W. G. Bobbitt), Assistant State Mine Inspector of 6th District, composed of Perry, Letcher and Knott Counties.

May 27, 1931, Dr. Hugh M. McElrath, State Board Dental Examiners, April 15, 1936.

June 1, 1931, R. Lee Shannon, State Board of Embalmers, June 1, 1935.

June 15, 1931, C. S. Wilson (to succeed W. A. Dicken), State Banking Commissioner, July 1, 1932.

June 17, 1931, Mrs. Chas. F. Creal, Kentucky Library Commission, June 13, 1935.

June 17, 1931, Miss Fannie C. Rawson, Kentucky Library Commission, June 13, 1935.

June 23, 1931, John S. Petot, State Board of Accountancy, June 1, 1934.

June 29, 1931, Jas. E. Pearson, Jr., State Board Managers, Kentucky Children's Home Society, July 1, 1932.

June 29, 1931, P. M. Brown, State Board Managers, Kentucky Children's Home Society, July 1, 1932.

June 29, 1931, Jas R. Bullock, State Board Managers, Kentucky Children's Home Society, July 1, 1932.

June 29, 1931, Chas. J. Cronan, Jr., State Board Managers, Kentucky Children's Home Society, July 1, 1932.

June 29, 1931, Mrs. Lillian B. Jones, State Board Managers, Kentucky Children's Home Society, July 1, 1932.

June 29, 1931, Mrs. Arthur Kaye, State Board Managers, Kentucky Children's Home Society, July 1, 1932.

June 29, 1931, Dr. E. L. Powell, State Board Managers, Kentucky Children's Home Society, July 1, 1932.

June 29, 1931, Lewis C. Tingley, State Board Managers, Kentucky Children's Home Society, July 1, 1932.

June 29, 1931, Dr. J. P. Stewart, State Board Managers, Kentucky Children's Home Society, July 1, 1932.

June 29, 1931, T. H. Cochran, State Board Managers, Kentucky Children's Home Society, July 1, 1932.

July 6, 1931, Dr. Chas. E. Parmer (to succeed Dr. C. E. Stockton), State Board of Veterinary Examiners, July 1, 1935.

July 11, 1931, John T. Stamper (to fill vacancy of Chas. D. Cole), State Board Charities and Corrections.

July 27, 1931, Leslie W. Perkins (to fill vacancy of Wm. H. Fields), Game and Fish Commission.

July 29, 1931, Miss Orvetta Brummett (to succeed Miss Nancy A. Day), State Board Charities and Corrections, July 29, 1935.

August 18, 1931, Dr. Lillard T. Marshall, State Board Chiropractic Examiners, June 9, 1933.

August 18, 1931, Dr. John A. Ohlsom, State Board Chiropractic Examiners, June 9, 1934.

August 24, 1931, H. A. Churchill, State Board Examiners and Registration Architects, July 17, 1935.

August 26, 1931, John M. Perkins, Board of Trustees, Kentucky State Industrial College, July 1, 1934.

August 26, 1931, Mrs. W. T. Lafferty, Geo. Rogers Clark Memorial Commission, August 23, 1934.

August 26, 1931, James Isenberg, Geo. Rogers Clark Memorial Commission, August 23, 1934.

August 26, 1931, Thruston S. Ballard, Geo. Rogers Clark Memorial Commission, August 23, 1934.

September 9, 1931, Al. E. Young (to fill vacancy of John T. Fuller), Industrial College, Board of Trustees, West Kentucky Industrial College.

September 16, 1931, Albert S. Boyers (to fill vacancy of Geo. D. Converse), Air Board of Kentucky.

September 26, 1931, Mrs. W. T. Fowler (to succeed Mrs. Jno. L. Woodbury), Jefferson Davis Memorial Commission, September 23, 1935.

September 29, 1931, Linwood A. Brown (to fill vacancy of R. Lee Cassell), Kentucky Board of Pharmacy.

September 29, 1931, Albert E. Ely, Kentucky Board of Pharmacy, October 1, 1936.

October 8, 1931, Mrs. Harry McCarty, Jefferson Davis Memorial Commission, May 10, 1934.

October 8, 1931, W. W. Gregory, Jefferson Davis Memorial Commission, May 8, 1935.

October 8, 1931, B. L. Trabue (to succeed J. B. Pirtle), Jefferson Davis Memorial Commission, May 8, 1935.

October 8, 1931, D. B. G. Rose (to succeed G. R. Gregg), Jefferson Davis Memorial Commission, May 8, 1934.

November 11, 1931, K. R. Cummins (to fill term of J. C. Utterback), Member-at-large Board of Trustees, University of Kentucky.

November 14, 1931, Dr. W. O. McIntire (to fill term of T. B. Watts), Kentucky Game and Fish Commission.

November 18, 1931, Mrs. Myrtle C. Applegate (to fill term of Miss Sue Parker, deceased), State Board Examiners of Trained Nurses.

December 4, 1931, R. Walter Briggs (to fill term of Louis Crabb), Board of Trustees, Kentucky Confederate Home.

December 5, 1931, Mrs. Wm. H. Mason (to succeed Claude T. Winslow), Board of Regents, Murray State Normal School, April 1, 1934.

December 5, 1931, Claude T. Winslow (to succeed Mrs. Wm. H. Mason), Board of Regents, Murray State Normal School, April 1, 1934.

December 5, 1931, Thos. D. Cline, Member Kentucky Children's Bureau, February 1, 1934.

December 5, 1931, Prof. W. L. Nofcier, Member, Kentucky Children's Bureau, February 1, 1934.

December 5, 1931, Mrs. David P. Davis, Member, Kentucky Children's Bureau, February 1, 1934.
and

Whereas, on the 24th day of February, 1930, former Governor Flem D. Sampson, by communication addressed to the President and members of the Senate of Kentucky, appointed Charles Gorman, Luther Little and Clyde R. Levi as members of the Kentucky Workmen's Compensation Board, and requested the concurrence of the Senate in these appointments, and

Whereas, on the 5th day of March, 1930, former Governor Flem D. Sampson, by communication addressed to the President and members of the Senate of Kentucky, again named said Charles Gorman, Luther Little and Clyde R. Levi as members of the Kentucky Workmen's Compensation Board, and requested the concurrence of the Senate in said appointments, and

Whereas, the Senate took no appropriate action either confirming or rejecting said appointments, or any of them; and

Whereas, on the 11th day of November 1931, former Governor Flem D. Sampson addressed the following communication to the Secretary of State of Kentucky, which said communication is in words and figures as follows, to-wit:

"Frankfort, Ky.
November 11, 1931.

Secretary of State
Frankfort, Ky.

"I have this day appointed and you will please commission the following members of the Workmen's Compensation Board to succeed themselves:

"Charles Gorman of Louisville, Ky., for a term ending April 1, 1934.

"Luther Little, of McKee, Ky., for a term ending April 1, 1935.

"Clyde R. Levi, of Ashland, Ky., for a term ending April 1, 1932.

FLEM D. SAMPSON, Governor,
Commonwealth of Kentucky."

and,

Whereas, said appointment contained in said communication now appears of record on the Executive Journal in the office of the Secretary of State of Kentucky;

Now therefore, be it resolved by the Senate of the Commonwealth of Kentucky that each and all of said appointments be, and the same are hereby, disapproved and rejected and confirmation of each of said appointments is hereby refused.

Senator Franklin moved the suspension of the rules, and the adoption of said resolution.

Said motion was agreed to.

The yeas and nays being taken on the adoption of the resolution, resulted as follows:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Silas Jacobs | R. H. Royster |
| W. W. Booles | L. C. Littrell | E. D. Stephenson |
| Edwin C. Dawson | Rev. C. D. McCaw | Joe Stewart |
| Thos. C. Ferguson | C.T.McCormick,Sr. | Thos. O. Turner |
| Chas. G. Franklin | E. C. Moore | Sewell B. Williams |
| Perry B. Gaines | D. C. Naive | W. A. Yates |
| Arch Hamilton | Marion F. Pogue | Allie W. Young |
| J. S. W. Holloway | Dr. G. W. Ragan | Gates F. Young |
| Robert Humphreys | O. M. Rogers | —26 |

It was decided in the affirmative, by a majority of the Senators elected.

Said resolution was adopted, therefore the appointments of Governor Sampson was refused confirmation by the Senate.

Senator Ryans proposed a resolution of the following title:

S. Res. 45. An Act relating to the present employees of the General Assembly, providing compensation for their services in the General Assembly and for payment thereof to the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives, respectively, to be distributed by them to all of said employees and officers, prorated according to the amount provided by Chapter sixty-nine of the Acts of the General Assembly of one thousand nine hundred and twenty-six, and authorizing the Auditor of Public Accounts to draw his warrants on the Treasurer for the total amount of such compensation payable to the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives.

Said resolution reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That, whereas the present employees and officers of the General Assembly have rendered faithful services, and, whereas, they have had to employ assistants to aid them in their respective duties, and, whereas, the General Assembly deems that the compensation fixed by chapter sixty-nine of the Acts of the General Assembly of one thousand nine hundred and twenty-six is inadequate, the following amount is hereby appropriated to the employees of the Senate and House of Representatives, respectively, as additional compensation to that provided in said chapter sixty-nine of the Acts of the General Assembly: to the employees and officers of the Senate $8,025.00; to the employees and officers of the House of Representatives $3,962.00. The amount hereinabove provided

to be paid for the benefit of the employees and officers of the Senate shall be paid to the Chief Clerk of the Senate, to be distributed by him to all of said officers and employees of the Senate, prorated on amounts authorized to be paid to them by chapter sixty-nine of the Acts of the General Assembly of one thousand nine hundred and twenty-six, and the Auditor of Public Accounts hereby is authorized and directed, upon requisition made by the Chief Clerk of the Senate, to draw a warrant on the Treasurer in favor of said Chief Clerk in the amount of $8,025.00, to be distributed by said Chief Clerk as herein provided. The amount hereinabove provided to be paid for the benefit of the employees and officers of the House of Representatives shall be paid to the Chief Clerk of the House of Representatives, to be distributed by him to all of said employees and officers of the House of Representatives prorated on amounts authorized to be paid to them by said chapter sixty-nine of the Acts of the General Assembly of one thousand nine hundred and twenty-six, and the Auditor of Public Accounts hereby is authorized and directed, upon requisition made by the Chief Clerk of the House of Representatives to draw a warrant on the Treasurer in favor of said Chief Clerk of the House of Representatives in the amount of $3,962, to be distributed by said Chief Clerk as herein provided. The compensation herein provided shall be in addition to the compensation now provided for by chapter sixty-nine of the Acts of the General Assembly of one thousand nine hundred and twenty-six, and said Act shall remain in full force and effect and no part of this Act shall be construed as repealing any part of said chapter.

All Acts or parts of Acts in conflict herewith, to the extent of such conflict, hereby are repealed.

Whereas, the General Assembly will within a short time adjourn and the employees upon adjournment will depart to various sections of the State, an emergency is hereby declared to exist, and this Act shall be effective from and after its passage and approval by the Governor.

Said resolution was referred to the Committee on Rules.

Senator Moss proposed a resolution of the following title:

S. Res. 46. A joint resolution, authorizing Bertha Renfro, administratrix of Nadaen Renfro, deceased, to sue the Commonwealth of Kentucky and the State Highway Commission for damages, for negligence committed in causing the death of the above named Nadaen Renfro, an infant, a person under the age of twenty-one years— which occurred on May 14, 1931, at Pineville, Kentucky.

Said resolution reads as follows:

Whereas, Nadaen Renfro, an infant, was killed on the premises of the State Highway Department in Pineville, Kentucky, at which place young children were permitted by said department to assemble and play, and to which they were attracted by stacks of lumber and materials, piled, stacked, kept and maintained at the place she was killed, in such a careless and negligent manner as to be dangerous to children playing upon and about the same; and same, and parts thereof, by reason of being piled, kept, stacked and maintained as aforesaid, fell upon, crushed, injured and killed said infant; and,

Whereas, a suit cannot be instituted without permission being granted by the Legislature of Kentucky; and it appearing from the above stated facts that same is a meritorious claim against the Commonwealth of Kentucky and the State Highway Commission; now, therefore,

*Be it resolved by the Senate and the House of Representatives of the Commonwealth of Kentucky:*

That said Bertha Renfro, administratrix of Nadaen Renfro, deceased, be, and she is hereby authorized, empowered and granted, permission to institute and prosecute a suit to determine the question of the liability for said death.

Said resolution was referred to the Committee on Rules.

Senator Holloway proposed a resolution of the following title:

S. Res. 47. Resolution to pay J. Smith Hays, Commissioner, appointed by the Governor.

Said resolution reads as follows:

*Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

Whereas, Governor Flem D. Sampson commissioned J. Smith Hays, with A. A. Bablitz, to investigate and report the facts about the labor trouble in Harlan and Bell Counties in Kentucky in 1931, and said Hays rendered services and paid expenses under contract with the Governor to be paid $100.00 per week for his services and actual expenses incurred, and

Whereas, He rendered services between November 14, 1931, and December 4, 1931, two weeks, amounting to $200.00, and paid actual expenses of himself, Miss Wilhoit, stenographer, and for copying of records in the Harlan County Court and Harlan Circuit Court amounting to $98.73, no part of either sum has been paid as appears by affidavit of said Hays, therefore;

Be it resolved, that there is hereby appropriated for the payment of said sums $298.73 of money in the treasury; and the Auditor of Public Accounts is ordered and directed to draw his warrant for the sum of $298.73 in favor of J. Smith Hays out of funds not otherwise appropriated in satisfaction of his bill for services and expenses.

Winchester, Kentucky,
December 4, 1931.

The Commonwealth of Kentucky
To J. Smith Hays, Dr.

November 21, 1931, To services and expenses for the week ending November 21, 1931, as Commissioner appointed by the Governor to investigate the labor troubles in 1931 in Harlan and Bell Counties, Kentucky ..... $171.43

November 28, 1931, For services and expenses, week ending November 28, 1931 ..... $ 56.74
December 4, 1931, For services and expenses, week ending December 4, 1931 ..... 70.56

Total ..... $298.73

State of Kentucky, County of Fayette, Sct.

The affiant, J. Smith Hays says he was appointed as one of the Commissioners, by Governor Flem D. Sampson, to investigate the labor troubles in 1931, in Harlan and Bell Counties, Kentucky; and that between the dates November 14 and December 4, 1931, he incurred and paid expenses of himself and Miss Wilhoit and for copies of records of the Harlan County Court and the Harlan Circuit Court, amounting to $98.73; that he rendered services for which the Governor agreed to pay $100.00 per week, $200 in all, making a total sum for services and expenses of $298.73, no part of which has been paid to the affiant.

The affiant says the statements contained in this affidavit are true.

J. Smith Hays.

Subscribed and sworn to before me by J. Smith Hays, this the 3rd day of March, 1932.

Kathryn Brown,
Notary Public, Fayette County, Ky.

My commission expires December 23, 1934.

Said resolution was referred to Committee on Rules.

The Senate took up for consideration from the Orders of the Day a bill of the following title:

S. B. 377. An Act to amend and re-enact Section 356, Carroll's Kentucky Statutes, 1930, edition, relating to fees of jailers paid out of the State treasury.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section 356, Carroll's Kentucky Statutes, 1930 edition, be and the same hereby is amended and as amended and re-enacted shall read as follows:

To jailers for imprisoning and releasing a prisoner charged with a felony or contempt the sum of fifty (50c) cents.

For keeping and dieting a prisoner under like charge the sum of fifty (50c) per day.

For putting a prisoner in irons, to secure his same keeping in jail, besides the cost of the irons, the sum of fifty (50c) cents.

All of the foregoing fees to be paid to the jailer out of the State treasury.

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

Senator Rogers proposed the following amendment to said bill:

Amend Senate Bill No. 377 as follows: "Provided, however, that the provisions of this Act shall not apply to counties having a population of Seventy-five Thousand or over."

Senator Rogers moved that said amendment be adopted.

The question being taken thereon, was decided in the negative.

Said amendment was rejected.

Senator Brock proposed the following amendment to said bill:

Amend S. B. 377, Section 1 line 7, by striking out the figures "50" and inserting in lieu thereof, the figures "60."

Senator Brock moved that said amendment be a lopted.

The yeas and nays being demanded thereon by Senators Brock and White, resulted as follows:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| W. W. Booles | Frank I. Lloyd | J. M. Rose |
| H. M. Brock | C.T.McCormick,Sr. | R. H. Royster |
| Edwin C. Dawson | Wm. Mehler | Dr. Lewis Ryans |
| Dr. T. J. Edge | E. C. Moore | Thos. O. Turner |
| Thos. C. Ferguson | Ray B. Moss | F. M. White |
| Walter N. Flippin | D. C. Naive | W. A. Yates |
| Perry B. Gaines | Marion F. Pogue | Allie W. Young |
| Robert Humphreys | Dr. G. W. Ragan | Gates F. Young |
| Wm. Isaacs | O. M. Rogers | —26 |

Those who voted in the negative were:

| | | |
|---|---|---|
| Chas. G. Franklin | E. D. Stephenson | Fred C. VanHoose |
| Silas Jacobs | Joe Stewart | Sewell B. Williams |
| Alex E. Johnson | | —7 |

Therefore, said amendment was adopted.

Senator McCaw moved that said bill be laid on the table.

The yeas and nays being demanded thereon by Senators McCaw and Ryans, resulted as follows:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Thos. C. Ferguson | Wm. Mehler | J. M. Rose |
| Frank I. Lloyd | Dr. G. W. Ragan | Dr. Lewis Ryans |
| Rev. C. D. McCaw | O. M. Rogers | —8 |

Those who voted in the negative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Robert Humphreys | E. D. Stephenson |
| H. M. Brock | Wm. Isaacs | Joe Stewart |
| Dr. T. J. Edge | Silas Jacobs | Thos. O. Turner |
| Walter N. Flippin | L. C. Littrell | Fred C. VanHoose |
| Chas. G. Franklin | C.T.McCormick,Sr. | Sewell B. Williams |
| Perry B. Gaines | Ray B. Moss | Allie W. Young |
| Arch Hamilton | D. C. Naive | Gates F. Young |
| J. S. W. Holloway | R. H. Royster | —23 |

Therefore, said motion was lost.

Ordered that said bill be read the third time.

Senator Stephenson moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Wm. Isaacs | R. H. Royster |
| W. W. Booles | Silas Jacobs | E. D. Stephenson |
| H. M. Brock | L. C. Littrell | Joe Stewart |
| Edwin C. Dawson | C.T.McCormick,Sr. | Thos. O. Turner |
| Dr. T. J. Edge | E. C. Moore | Fred C. VanHoose |
| Walter N. Flippin | Ray B. Moss | Sewell B. Williams |
| Chas. G. Franklin | D. C. Naive | W. A. Yates |
| Robert Humphreys | Marion F. Pogue | Gates F. Young |
| | | —24 |

Those who voted in the negative were:

| | | |
|---|---|---|
| Thos. C. Ferguson | Wm. Mehler | J. M. Rose |
| Frank I. Lloyd | Dr. G. W. Ragan | Dr. Lewis Ryans |
| Rev. C. D. McCaw | O. M. Rogers | F. M. White |

—9

Resolved that the title thereof be as aforesaid.

Senator Stephenson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

## COMMITTEE REPORTS

Senator Allie W. Young of the Committee on Rules, to which had been referred bills and resolutions of the following titles:

H. Res. 53. A resolution to authorize the Treasurer of the Commonwealth of Kentucky to pay Kathryn Brown for Stenographic work performed for the State.

H. B. 239. An Act to repeal, amend and re-enact Sections 2 and 3 of Chapter 33 of the Acts of the General Assembly of 1922, being an act prohibiting the manufacture, sale, transportation, possession or other disposition of spirituous, vinous, malt or intoxicating liquors, except for sacramental, medicinal, scientific or mechanical purposes; and providing a penalty for violation of the provisions thereof, being Sections 2554a-3.

H. B. 313. An Act to amend Section 12, article six of an act entitled "An Act for the government of cities of the second class in the Commonwealth of Kentucky," approved March 19th, one thousand eight hundred and ninety-four, and being Section 3157 of the Kentucky Statutes, Carroll's Edition, 1930.

H. B. 472. An Act to amend and repeal and re-enact Section 27411-3, Carroll's Kentucky Statutes 1931 Supplement, relating to the purchase of water works in cities of the third class.

H. B. 548. An Act authorizing the Wayne County Board of Education to pay Georgia Taylor the sum of $188.00; authorizing said County Board of Education to pay to Estill Koger the sum of $194.00; and authorizing said County Board of Education to pay to Carrie Barnett the sum of $138.00 for services rendered by said persons to said Board of Education.

H. B. 665. An Act to repeal, amend and re-enact Section 1838, Carroll's Kentucky Statutes, Baldwin's Revision, Official Edition of 1930, relating to regular and special terms of the Fiscal Court.

H. B. 782. An Act to amend Section 172 of the Constitution of the Commonwealth of Kentucky so as to authorize the General Assembly to enact laws exempting real estate and/or tangible personal property from taxation for State purposes.

S. Res. 45. An Act relating to the present employees of the General Assembly, providing compensation for their services in the General Assembly and for payment thereof to the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives, respectively, to be distributed by them to all of said employees and officers, prorated according to the amount provided by Chapter 69 of the Acts of the General Assembly of 1926, and authorizing the Auditor of Public Accounts to draw his warrants on the Treasurer for the total amount of such compensation payable to the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives.

S. Res. 46. A joint resolution, authorizing Bertha Renfro, administratrix of Nadaen Renfro, deceased, to sue the Commonwealth of Kentucky and the State Highway Commission for damages, for negligence committed in causing the

death of the above named Nadaen Renfro, an infant—a person under the age of twenty-one years—which occurred on May 14, 1931, at Pineville, Kentucky.

S. Res. 47. Resolution to pay J. Smith Hays, Commissioner, appointed by the Governor.

Reported said bills and resolutions with expression of opinion that same ought to pass.

## CALENDAR

Senator Gates F. Young moved that the second reading of bills and resolutions at length be dispensed with and that they be read by their titles only.

Said motion was agreed to by a majority of the members elected.

It was ordered that the bills and resolutions be read by their titles only.

Said titles to bills are as follows:

S. B. 475. An Act relating to revenue and taxation and amending Sections 4281a-1 to 4281a-10, both inclusive, Kentucky Statutes, Carroll's 1930 Edition, being Chapter 111 of the General Assembly of 1924, as amended by Chapter 176 of the Acts of 1926.

S. B. 476. An Act to amend and re-enact Sections 1804 and 1820, respectively, of Carroll's Kentucky Statutes, 1930 Edition, relating to the establishment of ferries.

H. B. 12. An Act amending Section 4758a-3, Kentucky Statutes.

H. B. 180. An Act to make valid and enforceable written provisions or agreements for the arbitration of disputes.

H. B. 569. An Act providing for the reopening or reorganization, or consolidation of closed title companies or real estate title insurance companies in this Commonwealth.

H. B. 863. An Act relating to revenue and taxation, imposing an excise or license tax on gasoline and all other liquid fuels, including all liquids ordinarily, practically and commercially usable in internal combustion engines for the generation of power, and all distillates of, and condensates from petroleum, natural gas, coal tar, vegetable ferments, and from all other products, so usable and sold in this Commonwealth at wholesale, as the words "at wholesale" are defined in this Act; except kerosene, fuel oil, and crude oil as such; providing for the collection of such tax, for the keeping of records, reporting of sales, defining the duties of the State Tax Commission, and requiring reports to be made to the State Tax Commission, by railroads and other persons, firms or corporations showing the transportation and delivery of gasoline; exempting gasoline from local excise and license taxes; the distribution and use of the revenue derived therefrom, the administration of said laws, fixing fines and penalties for the violation of this Act; repealing Chapter 127 of the Acts of 1928, and Chapter 153 of the Acts of 1930, both of said Chapters constituting the present gasoline tax law.

H. B. 231. An Act establishing as a part of the highway system of highways of the Commonwealth of Kentucky, a road beginning at Waterview, Cumberland County, and leading to Black's Ferry, Monroe County, via Cloyds Landing.

H. B. 357. An Act relating to roads and bridges and establishing as a part of the primary system of the State highways a road leading from Fern Lake in Bell County, Kentucky, near the State line between Kentucky and Tennessee to a point on the Harlan to Pennington Road in Harlan County, and designating said road as Project No. —.

H. B. 430. An Act to establish as a part of the State primary road system.

H. B. 458. An Act relating to roads and highways, and describing and establishing a project to be added to the State primary system of roads and highways, running from the Congleton Farm on the Beattyville and Booneville Highway to a point where the new road from Heidelberg connects with State Highway No. 52 at or near the top of Hatton Hollow Hill, via Idaman, Carryton, Pryse Brandenburg's store, and Heidelberg.

H. B. 459. An Act relating to roads and highways, and describing and establishing a road project to be added to the State primary system of roads and highways running from the present State highway at the bridge at St. Helens, Lee County, running so as to intersect with the proposed State highway between Beattyville and Pine Ridge, at a point some distance east of where W. B. Bush now lives, substantially via the present county road leading toward Campton in Wolfe County.

H. B. 460. An Act relating to roads and highways, and describing and establishing a project to be added to the State primary system of roads and highways, beginning at Oakdale, in Breathitt County, and running to where Dr. Granville Turner now lives and intersecting there with the survey running to Buck Horn in Perry County, via Punching Camp Creek, Shoulder Blade Mission, the middle fork of the Kentucky River, mouth of Canoe Creek, and the mouth of Longs Creek.

H. B. 461. An Act establising as a part of the primary system of the State highways of this Commonwealth a road leading from the Cairo Road at Temples Mill to Barlow where it intersects U. S. 60.

H. B. 462. An Act establishing as a part of the system of State highways of the Commonwealth of Kentucky a road leading from the corporation limits of Paducah to a point on the Graves County line.

H. B. 463. An Act establishing as part of the primary

system of State highways of the Commonwealth of Kentucky a road leading from Woodlawn School House in McCracken County on U. S. 60, leading to the Graves County line via Oak Station.

H. B. 464. An Act establishing as part of the system of State highways of this State a road from Lovelaceville to Leader Bottom of this State.

H. B. 465. An Act establishing as a part of the primary system of State highways of this Commonwealth a road leading from Loneoak to Liberty Church in Graves County, Kentucky.

H. B. 478. An Act creating and establishing as a part of the State primary system of roads and highways, a road project leading from Coxs Creek in Nelson County, Kentucky, to a point near Taylorsville, on the Taylorsville and Bardstown Road, via Fairfield and Little Union Church.

H. B. 479. An Act creating and establishing as a part of the State primary system of roads and highways, a road project leading from Lebanon Junction, Bullitt County, Kentucky, to Wooldridge, Ferry via Newman Farm.

H. B. 480. An Act creating and establishing as a part of the State primary system of roads and highways, a road project leading from Rocky Hill, Edmonson County, Kentucky, via Merry Oaks, Barren County, Kentucky, to the highway leading from Bowling Green, Warren County, Kentucky, to Glasgow, Barren County, Kentucky.

H. B. 482. An Act establishing as a part of the primary system of State highways a road from mouth of Brushy to mouth of Turkey Creek in Pike County.

H. B. 483. An Act establishing as a part of the primary system of State highways, a road from a point on State Project No. 82 at the mouth of road fork of Big Creek; thence

running down Big Creek to the mouth thereof intersecting with State Project No. — in Pike County.

H. B. 484. An Act establishing as part of the primary system of State highways of the Commonwealth of Kentucky a road from a point on the Pikeville-Williamson Highway, State Route No. 82, near the mouth of Blackberry Fork of Pond Creek in Pike County, to a point on the State line between Kentucky and Virigina on Knox Creek in said county.

H. B. 485. An Act establishing as part of the primary system of State highways, a road beginning at a point on State Project No. — at the mouth of Turkey Creek, in Project No. 82 at or near the bridge at the mouth of Road Fork of Big Creek.

H. B. 487. An Act to establish as a part of the primary system of State highways of the Commonwealth of Kentucky, a road beginning at a point near Black Gnat School House and Church, a point near Highway No. 1 in Green County, by way of Whitwood to R. A. White's farm in Green County, a distance of approximately two and a half miles.

H. B. 488. An Act establishing as a part of the primary system of State highways a road leading from Pike View on the Jackson Highway to Bonnieville, Hart County, on the Dixie Highway by way of Hammonville, Hart County.

H. B. 489. An Act establishing a primary road project beginning at Vernon, Kentucky, by way of Cumberland River to Tennessee line.

H. B. 490. An Act to establish as part of the primary system of State highways of the Commonwealth of Kentucky, a road running from the foot of Stone Hill in Lewis County to the mouth of Wesleyville in Carter County.

H. B. 495. An Act establishing as part of State primary road system a road leading from Spring Lick Post Office via

Spring Lick School to U. S. Highway 62, a distance of about one and one-tenth miles.

H. B. 496. An Act establishing as part of the primary road system a road beginning about one and one-half miles east of McDaniels on the highway thence south via Calverts Chapel, crossing Rough River at Kiper Ford, by Duff, thence to No. 45, Hartford Road.

H. B. 501. An Act establishing a road from New Haven in Nelson County, Kentucky, by way of Roanoke to Elizabethtown in Hardin County, Kentucky, as a State primary road, and designating said road as Project No. —.

H. B. 503. An Act establishing as a part of the primary system of State highways a road beginning at or near Costlow on the Hartford Road, then as near as practicable with said road through Homer to the intersection of the Hartford-Morgantown-Russellville Road, about four miles north of Russellville.

H. B. 504. An Act to establish as a part of the primary road system of the State highways of the Commonwealth of Kentucky, a road leading from Auburn, Kentucky, to Cavett Store, to connect with Proctor Mill Road.

H. B. 505. An Act establishing as a part of the primary system of State highways a road beginning at the city limits of Auburn, Kentucky, thence to Middleton, Kentucky, in Simpson County, to connect with the Russellville and Franklin Road.

H. B. 506. An Act to add to the primary system of public highways a road leading from the Butler County line at or near Richelieu and following as near as practical the Proctor Mill Road to the Morgantown-Russellville Road at or near the W. T. Duncan farm.

H. B. 507. An Act establishing as a part of the primary

system of State highways a road beginning at a point on the Proctor Mill Road at Roscoe Hundley's corner, thence to the Morgantown Road, near old Chandler's Chapel.

H. B. 508. An Act relating to roads and highways and establishing and creating a Road Project No. —, extending from U. S. Road No. 60 at Midland in Bath County to West Liberty in Morgan County, as a State primary road.

H. B. 509. An Act relating to roads and highways and creating and establishing a Road Project No. —, beginning at the Mormon Church on the Owingsville and Preston Road in Bath County to Stepstone in Montgomery County, as a State primary road.

H. B. 510. An Act to amend Kentucky Statutes, Section 4356t-5, which is an Act designating and establishing primary State roads by adding thereto Project No. —, described as beginning at a point in Road No. 37 at intersection near Ewings Ford, and running with county road, up Little Kentucky Creek, by the farms of Calvert, Abrams, Pearce Bros., Verd Stanley, and Bob Greenwood, connecting with State Highway No. — near Sulphur, Kentucky.

H. B. 511. An Act establishing as part of the primary road system of Kentucky a road running from Pellyton in Adair County to a point in Liberty and Campbellsville Road at or near Price's shop in Casey County.

H. B. 512. An Act establising as a part of primary road system of the State of Kentucky a road running from Gravel Switch, Marion County, to a point in Hustonville and Bradfordsville Road at Coffman's store, Casey County.

H. B. 513. An Act relating to roads and bridges and establishing as part of the primary system of State highways a road leading from the State bridge across the Kentucky River at Gratz, Kentucky, on the Owen County side of said bridge, thence in an easterly direction with State Highway

No. 22 about one mile thence in a southwest direction on the east side of the Kentucky River to and intersecting with the Federal highway at Monterey, Owen County, Kentucky, and designating the same as State Project No. —.

H. B. 514. An Act establishing State Primary Road Project No. —, beginning at the intersection of the Frankfort and Owenton Pike and the Peaks Mill Pike, thence via Peaks Mill by Knights Bridge, Peaks Mill, Camp Pleasant, Dry Land Bridge, Elmville, Head of Cedar and to the Georgetown and Owenton Pike, U. S. 227.

H. B. 515. An Act to establish as a part of the State primary road system a road to be known as Project No. —, beginning at Dr. Miller's farm on Beech Grove and Calhoun Road, in McLean County, Kentucky, passing by Mt. Vernon Church near Wolfpin School House by Antioch Church to Highbanks.

H. B. 517. An Act establishing as a part of the primary system of State highways, a road beginning at river bridge on Garrett Highway No. 40 between West Liberty and White Oak; thence up Lacy Creek to head of Trace Fork; thence to Rockhouse Creek; thence crossing Licking River; thence the nearest and most convenient route to the Lundy Risner Gap, a point on the Garrett Highway No. 40.

H. B. 538. An Act adding to the primary system of the State highways of the Commonwealth of Kentucky, a road from Four Mile in Bell County to Ivy Grove and to a point on the Stinking Creek Road near DeWitt, Knox County.

H. B. 539. An Act establishing as a part of the State primary system a road leading from Grahn, Carter County, Kentucky, by Saulsberry to Gregoryville, in Carter County, Kentucky.

H. B. 540. An Act establishing as a part of the State primary road system a road leading from Willard, Carter

County, Kentucky, to connect with the Sandy Hook and Louisa Road at Isonville, Kentucky.

H. B. 541. An Act to establish as part of the State primary system a road to be known as Project No. —, to lead from Brooklyn, Butler County, Kentucky, to Welshs Creek, in Butler County, Kentucky, via Embry Post Office.

H. B. 542. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

H. B. 543. An Act to establish a primary road project to be known as Project No. —, beginning at the mouth of Sextons Creek in Owsley County at an intersection of State Project No. 11, and going up Sextons Creek Post Office, and intersecting with Project No. 52, at or near a county bridge over Sextons Creek on Project No. 21, below Burning Springs, Clay County, Kentucky.

H. B. 560. An Act to establish as a part of the State primary road system a road to be known as Project No. —, and beginning on Highway No. 76, in McLean County, Kentucky, near the Livermore Ferry; passing the farms of Everley and Meadows to Point Pleasant, in McLean County.

H. B. 565. An Act to establish as a part of the primary system of State highways of the Commonwealth of Kentucky, a road known as the Boone Trail leading from Broadhead to Mt. Vernon, via Hopkins' farm and Menifee's store.

H. B. 796. An Act placing on the primary system of roads and highways a road from Highway No. 25 in Rockcastle County to Jackson County line.

H. B. 797. An Act to establish as a part of the State primary road system a road to be known as Project No. —, and beginning on Highway No. 75, in McLean County, Kentucky, near the Livermore Ferry across Rough River, run-

ning thence in an easternly direction, passing through or near Matanzas to Centertown, Ohio County.

H. B. 798. An Act establishing as part of the State primary road system a road beginning on Kentucky Highway U. S. 25-W, at Rockhold, passing by Tidal Wave Post Office and Tidal Wave Church and running through the Henry Tye Gap and intersecting with the Corbin-Cumberland Falls Road near Dearing Post Office.

H. B. 799. An Act placing on the primary system of roads and highways, a road from Mt. Vernon to Spotwood Coal Fields.

H. B. 800. An Act to place on the primary system of roads and highways, a road from Mershon Post Office to Hazelpatch.

H. B. 801. An Act to place on the primary system of roads and highways, a road from East Bernstadt to Hazelpatch.

H. B. 802. An Act establishing a road leading from Long Branch, Meade County, Kentucky, to Brandenburg.

H. B. 803. An Act establishing a road leading from Long Branch, Meade County, Kentucky, to Brandenburg.

H. B. 804. An Act to establish as a primary road project a road beginning at Bethesda, Wayne County, Kentucky, and leading in a westerly direction a distance of about one and a half miles long Shearrer Valley Turnpike Road to State Road Project No. 90 in Wayne County, Kentucky.

H. B. 805. An Act creating and establishing as part of the primary system of State highways a road running from Badger in Taylor County via Attilla to Gleenings in Larue County.

H. B. 806. An Act creating and establishing as a part of the primary system of State highways a road beginning near the residence of George M. Slaughter in Larue County, Kentucky, and running thence via Silva and Pearl Hollow to a point intersecting the Elizabethtown and Bardstown Road at or near Boston, Kentucky.

H. B. 818. An Act to establish a primary road project to be known as Project No. —, beginning at Burning Springs in Clay County, running via Fogertown in Clay County, intersecting Project No. 80 at or near Brock, Kentucky, in Laurel County.

H. B. 819. An Act to establish a primary road project to be known as Project No. —, beginning on Bosworth Trail, Project No. —, at or near Bright Shade Post Office in Clay County, Kentucky, and running up Mill Creek, down Stinking Creek in Knox County, intersecting with Dixie Highway, Project No. 25, near Flat Lick in Knox County.

H. B. 820. An Act establishing a road from Breedings Creek at State Highway No. 15 to Hindman, Knott County, Kentucky, at State Highway No. 80.

H. B. 821. An Act creating and establishing as a part of the primary road system of highways of the State of Kentucky a road running from Kings Store in Casey County and up Brush Creek to Frys Creek, thence up Frys Creek by the way of Neelys Gap, a point in the Hustonville and Bradfordsville Highways near Coffman Store, said road to be designated by the State Highway Department with an appropriate project number.

H. B. 826. An Act relating to roads and highways and describing and fixing the project to be added to the primary system of roads and highways.

H. B. 832. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

H. B. 867. An Act to add to the primary system of public highways a road leading from State Highway No. 80 in Perry County, Kentucky, to Harveyton, on First Creek, in Perry County, Kentucky, via Crawford, Bonnyman, Blue Diamond, to be known as the Blue Diamond Trail.

H. B. 571. An Act relating to roads and highways and establishing a Road Project No. —, beginning at Campbell's Store on the Old State Road in Bath County and running over the most convenient route up Hawes Branch and down Caney Creek and intersecting with the road from Midland to Yale in Bath County, as a State primary road.

H. B. 572. An Act relating to roads and highways and establishing and creating a Road Project No. —, beginning on U. S. Road No. 60 about one mile west of Salt Lick in Bath County and running over the route of the Mones Ferry Turnpike Road to Grange City, in Fleming County as a State primary road.

H. B. 573. An Act relating to roads and highways and establishing and creating a Road Project No. —, beginning on Route No. 61 at Reynoldsville in Bath County and connecting with the Fields Highway at Shirburn in Bath County, or a State primary road.

H. B. 574. An Act to establish a primary road project to be known as Project No. —, beginning at or connecting with State road at Bushong, Monroe County, Kentucky, by way of Sulphur Lick to Temple Hill, Barren County, Kentucky.

H. B. 575. An Act establishing as part of the primary system of the State highways of the Commonwealth of Kentucky, a road from a point on State Highway No. 25-E, between the city limits of Middlesboro, Kentucky, and Cumberland Gap to the Cubbage Settlement School, on Brownies Creek, by way of Sugar Run, in Bell County, Kentucky.

H. B. 576. An Act creating a road project in Perry County, Kentucky.

H. B. 577. An Act designating and establishing as a part of the primary system of the State highway system of the Commonwealth of Kentucky and as a part of the project leading from Beattyville, Lee County, Kentucky, to Jackson, Breathitt County, Kentucky, a road beginning at a point in the State highways at the mouth of Dunnigan's Branch in Lee County and running by the way of Long Shoal School House, Tallega, Athol, Oakdale to Jackson, Breathitt County, Kentucky.

H. B. 578. An Act to establish as part of the primary system of State highways, a road from a point on U. S. Highway No. 60, at or near the Ross Threkeld's farm house, thence to the Hampton-Birdsville Road Project No. —, at Blooming Grove Church grounds.

H. B. 579. An Act to establish as part of the primary road system of the Commonwealth of Kentucky, a road commencing at Hampton and crossing Bayou Creek near bridge at Old Harshell Church and via Blooming Grove Church grounds to Birdsville.

H. B. 603. An Act establishing as part of the primary road system, a road beginning at Second Baptist Church in Williamsburg via Red Bird Church, down the river to Parks Mill, Seed Tick School House to intersect Cumberland Falls Road.

H. B. 613. An Act establishing as a part of the primary system of State highways beginning at U. S. Highway No. 27 about one-half mile northeast of Butler, Kentucky, and running east by way of Flower Creek and joining State Highway No. 10 at Pribles Crossroads.

H. B. 620. An Act establishing as a part of the State primary system of highways in this Commonwealth a road leading from the Mattoon Consolidated School Building in Crittenden County on U. S. 60 via Cotton Patch Hill, Fords

Ferry, and intersecting the Ollie M. James Highway at the Flanery Place near Hebron School House.

H. B. 621. An Act establishing as a part of the State primary system of highways a road leading from Seven Springs Church in Crittenden County by the way of the Sam Travis farm home, Caldwell Springs Church, Arch Oliver farm, thence to Fredonia in Caldwell County.

H. B. 622. An Act establishing as part of the State primary system of highways of this Commonwealth a road leading from Salem on U. S. 60 to Tiline on the proposed Ruby Laffoon Trail via Pinkneyville.

H. B. 623. An Act establishing as part of the primary system of State highways of the Commonwealth of Kentucky a road from a point where Cumberland Avenue intersects with Fitzpatrick Avenue in Middlesboro, Bell County, Kentucky, on State Highway No. 25-E, to a point where Binghamtown Cut-off intersects with State Highway No. 25-E and shall be designated as 25-E.

H. B. 624. An Act establising as a part of the primary system of the State highways, a road from Beverly by way of Howell and Garrottsburg to the Tennessee line near Noah Spring.

H. B. 625. An Act to establish as part of the State primary road system, a road beginning at Fountain Run, Monroe County, thence to J. W. Howards, via White Oak Ridge and connecting with Highway No. 100 near Flippin, Kentucky.

H. B. 626. An Act to add to the primary system of roads in the Commonwealth of Kentucky a road from Highway No. 61 starting at a point about one-half mile south of Allendale in Green County to intersect the Campbellsville and Hodgenville Highway at a point near Mac, Taylor County.

H. B. 627. An Act to establish as a State primary road

project a road leading from the mouth of Middle Fork of Licking River, Magoffin County, Kentucky, on State Road No. 40, to Lee City, in Wolfe County, Kentucky.

H. B. 640. An Act to amend Kentucky Statutes, Section 4356t-5, which is an Act designating and establishing primary State roads, by adding thereto Project No. —, described as beginning at a point in U. S. Highway No. 42 near Alexis Abbotts and running by the farms of W. A. Bell, W. T. Hicks, Mrs. Chas. Smith, and S. J. Turner to a point in State Road No. 55 near the residence of Dr. R. S. Garr in Oldham County, Kentucky.

H. B. 657. An Act placing on the primary system of roads a road from Highway No. 168 to Berea.

H. B. 658. An Act to establish a primary road project to be known as Project No. —, beginning at Charlie Rose's farm on Booneville and Buckhorn Road in Owsley County, thence via Stay, Kentucky, to St. Helens in Lee County, Kentucky.

H. B. 659. An Act to establish a primary road project to be known as Project No. —, beginning at the mouth of White Oak in Owsley County on Project No. 11, running up White Oak and connecting with Booneville-Tyner Road, Project No. —, at New Hope in Owsley County.

H. B. 660. An Act establishing as part of the State primary road system, a road beginning at Danville and Lebanon State Highway No. 68 and 168, at a point five miles east of Lebanon near Penick School House, thence via Poplar Corner to Washington County line, directly to Springfield and Perryville State Highways.

H. B. 661. An Act to establish as a part of the primary road system a road to be known as Project No. —, to lead from Sugar Grove, Butler County, Kentucky, to Richelieu, in Butler County.

H. B. 662. An Act establishing as part of the primary system of State highways a road beginning at a point two miles south of Falmouth in Pendleton County, Kentucky, on U. S. Highway No. 27 and running south by way of Hightower in Pendleton County, Kentucky, and Boyd, Harrison County, Kentucky, to join State Highway No. — at Colemansville, Harrison County, Kentucky.

H. B. 663. An Act establishing as a part of the primary system of State highways a road in Perry County, Kentucky.

H. B. 677. An Act to establish as a primary road project a road beginning about one-half mile east of Wellington, Menifee County, Kentucky, on State Road No. 40, and leading north by Herman Fields Store, Dan Post Office or Craft School House and Big Woods, Kentucky, to Cold Cave Creek and with Cold Cave Creek to Beaver Creek Road Project No. —, in Menifee County, Kentucky.

H. B. 678. An Act to establish a primary road from State Project No. 12 by way of East View, Solway and Hardin Springs in Hardin County, to the Hardinsburg and Leitchfield State Highway near Madrid in Breckenridge County.

H. B. 679. An Act to add a road to the primary road system of the Commonwealth of Kentucky.

H. B. 680. An Act to add a road to the primary road system of the Commonwealth of Kentucky.

H. B. 681. An Act to add to the primary system of roads a road from Old Paint Lick Presbyterian Church to Old Paint Lick Cemetery.

H. B. 682. An Act to add a road to the primary road system of the Commonwealth of Kentucky.

H. B. 683. An Act to add a road to the primary road system of the Commonwealth of Kentucky.

H. B. 684. An Act relating to the system of primary State roads and establishing as a part of the system of primary State roads the road from a point near the Blue and Gray State Park on the Elkton-Sharon Grove Road in Todd County, to the Jefferson Davis Highway at a point about a mile west of Russellville, in Logan County.

H. B. 685. An Act relating to the system of primary State roads and establishing as a part of the system of primary State roads the road from a point near Zion on Project No. 98, in Todd County, to old Hadensville on Project No. 81 in Todd County.

H. B. 691. An Act to amend and re-enact Section 185, page 526 of the Acts of the General Assembly of 1924, now Kentucky State Road Project No. 80, by adding the words "Haddocks Ferry" just before the words "Calvert City" in said original Act.

H. B. 692. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

H. B. 694. An Act relating to the primary system of roads and highways of the Commonwealth of Kentucky.

H. B. 697. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

H. B. 702. An Act creating and establishing as a part of the primary system of State highways of the Commonwealth of Kentucky a road leading from Foxport in Fleming County, Kentucky, and continuing via Bowman Springs to top of Bowman Mountain in Lewis County to intersect with road from Flemingsburg via Browning's Orchard to Petersville to be known and designated as Project No. —.

H. B. 703. An Act to establish as a part of the primary

system of State highways of Kentucky a road from Canmer, Hart County, to Defires, Hart County, a distance of approximately five miles.

H. B. 704. An Act to establish as a part of the primary system of State highways of Kentucky a road from Defires, Hart County, to Webb, Green County, a distance of approximately three miles.

H. B. 705. An Act to establish a primary road project to be known as Project No. —, beginning at J. Wilson's Store at the mouth of Island Creek in Owsley County on Project No. 11 and running up Island Creek by way of Island City to Brewer's Store on Sturgeon Creek in Owsley County and intersecting with Booneville, Tyner and East Bernstadt Road Project No. —.

H. B. 706. An Act to establish as a part of the primary system of State highways of the Commonwealth of Kentucky, a road from Rosewood to Belton in Muhlenberg County.

H. B. 707. An Act to establish as a part of the primary system of State highways of the Commonwealth of Kentucky, a road from Knightsburg in Muhlenberg County to Ceralvo, in Ohio County.

H. B. 708. An Act establishing as part of the State primary road system, a road beginning two miles east of Lebanon, on Highway No. 68 and 168, thence north with Short Line Pike via Pleasant Run Church, to Washington County line to connect with Springfield and Perryville Road. Said highway to be known and designated as Averitt and Harmon Highway.

H. B. 709. An Act to establish a primary road project to be known as Project No. —, beginning at the mouth of Road Run on State Project No. 11, in Clay County, Kentucky, thence up Buffalo Creek to the Forks, thence up the left hand fork to the head of Squabble Creek and down Squabble Creek to Buckhorn.

H. B. 710. An Act to establish a primary road project to be known as Project No. —, beginning at the Pendergrass farm near Pleasant Hill School on State Project No. 52 in Owsley County and running by way of Tommy Quillen's farm, by way of Vincent Post Office, Traveler's Rest Post Office and intersecting with Booneville, East Bernstadt at or near New Hope in Owsley County.

H. B. 711. An Act establishing as a part of the primary system of State highways a road leading from the Taylorsville and Louisville Highway, near Henry Glass, via E. B. Neal's farm to Whitfield in Spencer County.

H. B. 712. An Act establishing as part of the primary system of State highways a road leading from Mount Eden in Shelby and Spencer Counties to the Bardstown Road about one and one-half miles north of Mt. Washington in Jefferson County, via J. L. Stodghill farm, Little Mount, Rivals, Normandy, Charles Tichenor farm, Whitfield, Kings Church, Will Carrithers farm.

H. B. 715. An Act relating to roads and highways, and describing and establishing a project to be added to the State highway system of roads and highways, running from State Highway No. 52 at or near the top of Hatton Hollow Hill, via Evelyn, and up Rosses Creek to Gentry Store and thence via the Old Orchard and the Farmer Ridge to Stone Coal Church and thence following substantially the county road via Delvinta School to Ida May, Lee County.

H. B. 718. An Act relating to roads and highways and describing and establishing a project to be added to the State primary system of roads and highways.

H. B. 726. An Act to amend Section 1, Project No. 373, Chapter 315, page 675 of the Acts of the General Assembly of 1928, now Project No. 373, under Section 4356t-5, page 2253, road projects, of Carroll's Kentucky Statutes, 1930 Edition, relating to establishing and designing a system of State highways and providing for their construction and maintenance.

H. B. 731. An Act establishing as a part of the primary system of State highways a road beginning at Honakers Ferry, on south bank of Green River, via Glenmore, south of Bear Creek, Segal, Asphalt, to Windybille, intersecting the Brownsville and Iron Bridge road.

H. B. 732. An Act establishing as a part of the primary system of State highways a road leading from Flaherty, Ky., Meade County, via St. Martin's Church; thence to or near what is now known as Hall Schoolhouse and intersecting proposed highway known as Big Spring to Hog Wallow Highway.

H. B. 740. An Act establishing the road beginning at a point where the Little Sugar Creek Turnpike connects with a turnpike running from the Boone County line, via Napoleon, to Glencoe, Ky., and running to a point at, or near, where said Little Sugar Creek Turnpike connects with U. S. Highway No. 42 running from Louisville, Ky., to Covington, Ky.

H. B. 745. An Act to establish a primary road project from Ezel, Morgan County, Kentucky, by way of Omer and Twenty-six to Dehart to intersect with proposed road from Cannel City by way of Grassy Creek and Dehart to Wrigley, Ky.

H. B. 746. An Act to establish as a part of the primary system of highways of the Commonwealth of Kentucky a road running from York Trail, at a point between Zion Church and the residence of Chrisman Powell in Adair County, Kentucky, to Montpelier, Ky.

H. B. 747. An Act to establish as a part of the primary system of highways of the Commonwealth of Kentucky a road beginning on York Trail, near residence of Dr. L. M. Jones in Adair County, Kentucky, to and connecting with Columbia and Burksville road near Sparksville, Ky.

H. B. 746. An Act to establish as a part of the primary system of highways of the Commonwealth of Kentucky, a

road running from Cheathams Bridge on the Columbia and Campbellsville road in Adair County, to Elkhorn in Taylor County.

H. B. 755. An Act creating and establishing as part of the State primary road system, a road beginning at a point in Highway No. 25, West Dixie Highway near Woodbine in Whitley County, and leading up Corn Creek via Meadow Creek and Tyes Ferry to Teague, Ky.

H. B. 756. An Act establishing as part of the State primary road system, a road beginning at Gravel Switch, Marion County, thence east via Aliceton, at Boyle County line, thence north to connect with State Highway No. 68 and 168, the Lebanon and Danville Highway.

H. B. 757. An Act to establish as a primary project a road beginning at the forks of Long Fork of Shelby Creek in Pike County, Kentucky, on State Project No. —, and leading up the right fork by way of Speight, Ky., crossing the mountain and down Right Beaver Creek to Wayland, Floyd County, Kentucky.

H. B. 758. An Act establishing as a State primary road in Allen County, a road beginning at a point on the Jackson Highway at or near E. H. Hinton's farm, thence in a northwesterly direction intersecting the Franklin road in or about Chapel Hill.

H. B. 767. An Act to establish as part of the primary system of State highways of the Commonwealth of Kentucky, a road commencing at or near the foot of Cob Hill, on State Highway No. 52, and intersecting State Highway No. — at Zacharia.

H. B. 768. An Act to add to the primary system of roads in the Commonwealth of Kentucky the road from the Gordon Turner Store on the road from Middlesboro to Fonde to Chenoa, by way of Bean's Fork, thence from Chenoa by way

of Hignight Branch to a point near Climax to the Middlesboro road.

H. B. 769. An Act relating to roads and highways, and creating Project No. —, leading from a point in Princeton, Ky., at the Highlands, to Hopkinsville, Ky., by the way of the Old Sand Lick road, passing at or near the Caldwell County farm, Scorrsburg Schoolhouse, Friendship, Pleasant Grove Church, to the Christian County line.

H. B. 781. An Act establishing as a part of the primary system of State highways a road beginning at the western city limits of Russell, Ky., and running thence west along a river front to the eastern city limits of Worthington, Ky., joining the hard road at the east end of Worthington, on Prospect street.

All of said bills and resolutions were read the second time by titles only and placed in Orders of the Day.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. B. 403. An Act relating to roads and highways, making Capital Avenue in the city of Frankfort a part of the primary highway system; authorizing its dedication by the city of Frankfort to the use and benefit of the Commonwealth, and giving to the State Highway Commission full power and authority to improve and maintain same.

Senator Booles proposed the following amendment thereto by the way of a substitute therefor to said bill.

An Act authorizing the State Highway Commission to improve Capital Avenue in the city of Frankfort from the north side of the intersection of Todd Street, and running north to the south side of Second Street.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That all that part of Capital Avenue in the City of Frankfort, beginning at the north side of the intersection of Todd Street with the same, and running north to the south side of Second Street in said city, be improved by the State Highway Commission, the improvement to be paid out of the State Road Fund; the type and character of the improvement to be determined by the State Highway Commission.

Senator Booles moved that said amendment be adopted.

The question being taken thereon was decided in the affirmative,

Therefore, said amendment was adopted.

Said bill reads as follows:

Whereas, the General Assembly of the Commonwealth of Kentucky recognizing the imposing appearance of Kentucky's State Capitol and the Governor's Mansion and the surroundings thereto, and particularly the approach to the Capitol by way of Capital Avenue, and realizing that any plan of the city of Frankfort, or the property owners on Capital Avenue to narrow the said street, or to plant trees and shrubbery either or both in the center of said street, would destroy not only the beauty of the street but its uses and purposes in connection with the Capitol Building, it is therefore sensed to be the desire of the General Assembly to preserve this street and to retain and keep the same in its present state and to aid in its maintenance and improvement; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That all that part of Capital Avenue in the city of Frankfort, beginning at the north side of the intersection

of Todd Street with the same, and running north to the south side of Second Street in said city, be and the same is now declared to be a part of the projects or primary road or highway system connecting up the county seats of Anderson, Franklin and Owen counties, and likewise Anderson, Scott, Woodford and Fayette counties, and as such may be and is entitled to all the provisions of the laws now or hereafter in force in this Commonwealth relating to State and Federal Aid roads, particularly Sections 4356t-8 and 4356t-11, Kentucky Statutes, being respectively Sections 8 and 11 of Chapter 17 of the Acts of the General Assembly of 1920.

§ 2. The city of Frankfort is hereby authorized by ordinance of its common council to dedicate said portion of Capital Avenue to the use and benefit of the Commonwealth of Kentucky, and upon the passage of such ordinance it shall be the duty of the Sinking Fund Commission to accept same on behalf of the Commonwealth, and take over and forever hold same for the use and benefit of the Commonwealth.

§ 3. Upon the dedication of said portion of Capital Avenue by the city of Frankfort and its acceptance by the Sinking Fund Commission on behalf of the State, the State Highway Commission out of its funds shall improve same and forever thereafter shall keep and maintain same in proper condition.

Ordered that said bill be read the third time.

Senator Booles moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Wm. Isaacs | J. M. Rose |
| W. W. Booles | L. C. Littrell | R. H. Royster |
| H. M. Brock | Frank I. Lloyd | Dr. Lewis Ryans |
| Edwin C. Dawson | Wm. Mehler | E. D. Stephenson |
| Dr. T. J. Edge | E. C. Moore | Joe Stewart |
| Walter N. Flippin | Ray B. Moss | Thos. O. Turner |
| Chas. G. Franklin | D. C. Naive | Sewell B. Williams |
| Perry B. Gaines | Marion F. Pogue | W. A. Yates |
| Arch Hamilton | Dr. G. W. Ragan | Allie W. Young |
| J. S. W. Holloway | O. M. Rogers | Gates F. Young |
| Robert Humphreys | | —31 |

Those who voted in the negative were:

Fred C. VanHoose F. M. White —2

Resolved that the title thereof be as aforesaid.

Senator Booles moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the House of Representatives of the following title:

H. B. 143. An Act relating to issuing bonds by counties, having cities of the second class and by cities of the second class and school boards of cities of the second class in the Commonwealth of Kentucky and prohibiting the issuing of bonds for any purpose whatsoever by city school boards, and counties having cities of the second class therein, except to

refund old bonds for the new, or revenue bonds without first submitting the question of issuing said bonds to voters at a regular election held for State, county and city officers and receiving the affirmative vote of two-thirds of the voters voting in said election.

Senator McCaw proposed the following amendment to said bill:

Amend line three by inserting after the word "new" the following: "or to pay off judgments against same."

Senator McCaw moved that said amendment be adopted.

The question being taken thereon, was decided in the affirmative.

Said amendment was adopted.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. Be it enacted that the road leading from the Federal Highway No. 60 at Sturgis, Union County, Kentucky, thence across the Kiwanis Bridge over Tradewater River into Crittenden County, thence to an intersection with said Federal Highway No. 60 in Crittenden County, at a point between Section No. 10050 and Section No. 10120, traversing the best and most practical route, be designated as State Road Project No. —, of the State primary road system.

§ 2. The construction, maintenance, supervision and control of said project shall be subject to all the terms and conditions as set out and provided for in Chapter 17, Acts of the General Assembly of 1920, establishing and creating a primary system of State roads.

Ordered that said bill be read the third time.

Senator Humphreys moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Wm. Isaacs | J. M. Rose |
| W. W. Booles | Silas Jacobs | R. H. Royster |
| H. M. Brock | Alex E. Johnson | Dr. Lewis Ryans |
| Edwin C. Dawson | Rev. C. D. McCaw | E. D. Stephenson |
| Dr. T. J. Edge | C.T.McCormick,Sr. | Joe Stewart |
| Thos. C. Ferguson | Wm. Mehler | Fred C. VanHoose |
| Walter N. Flippin | E. C. Moore | F. M. White |
| Chas. G. Franklin | Ray B. Moss | Sewell B. Williams |
| Perry B. Gaines | D. C. Naive | W. A. Yates |
| J. S. W. Holloway | Marion F. Pogue | Allie W. Young |
| Robert Humphreys | Dr. G. W. Ragan | —32 |

Resolved that the title thereof be as aforesaid.

Senator Humphreys moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the House of Representatives of the following title:

H. B. 580. An Act to amend Section 861 of Chapter 144 of the Acts of 1918 as amended by the Acts of 1928; to amend Section 865 of Chapter 144 of the Acts of 1918 as amended by Acts of 1926; and to amend Section 874-b of Chapter 144 of the Acts of Kentucky Statutes, 1930, relating to building and loan associations and providing for the purchase of stock and bonds in Federal Home Loan Banks; the borrowing of money therefrom; authorizing the State Banking Commissioner to permit examination of the records of his office concerning building and loan associations by such banks and providing that building and loan associations of this State may do business with Federal Home Loan Banks. Also to amend Sections 868 and 868-a of Chapter 144 of the Acts of 1918, being Sections 868 and 868-a of Carroll's Kentucky Statutes of 1930, relating to profits and losses of building and loan associations and distribution thereof and to contingent or reserve fund of such associations and charging of losses and crediting of profits from sale of real estate thereto.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Section 861 of Chapter 144 of the Acts of 1918 as amended by the Acts of 1928, being Section 861 of Carroll's Kentucky Statutes of 1930, be and the same is hereby amended by striking out the word "temporary" in the first sentence thereof and by adding to said section the following words: "Provided, that any building association operating under the provisions of this act may borrow of any Federal Home Loan Bank or Banks such amounts as may be permitted by the laws and rules regulating such banks, and for such length of time and at such rate of interest as may be permitted by such banks, and the associations may pledge and assign its notes and mortgage as security for such loans, and provided further that the debt limit fixed by this section shall not be applicable to loans from such banks and such loans may be in such amounts as may be allowed by the laws and regulations

governing or established by such banks," so that the same, when so amended, shall read as follows, to-wit:

"The directors shall have power to borrow money for such uses and purposes of the association as the exigencies of the business may demand and as not inconsistent with the objects of the association. To secure such loans the directors may cause the obligation or obligations of the association to be issued therefor bearing interest at not to exceed the then legal rate. No such loan or loans shall have a longer duration than two years, nor shall the aggregate amount of such outstanding indebtedness at any time exceed twenty thousand ($20,000.00) so long as the total amount of money actually paid in by and standing to the credit of the members on account of their shares shall not be in excess of one hundred thousand dollars ($100,000.00), and that so long as the amounts so paid in shall not exceed one million dollars ($1,000,000.00), the amount of such indebtedness may be but shall not exceed twenty (20) per cent of the entire amounts so paid in; and that thereafter, the amount of such indebtedness shall at no time be in excess of twenty (20) per cent of the first million dollars so paid in together with five (5) per cent of all amounts so paid in in excess of said first million dollars.

Before any money shall be borrowed, the board of directors shall first, by a majority vote of all members, pass and record a resolution to that effect.

Provided, that any building association operating under the provisions of this act may borrow of any Federal Home Loan Bank or Banks such amounts as may be permitted by the laws and rules regulating such banks, and for such length of time and at such rate of interest as may be permitted by such bank, and the association may pledge and assign its notes and mortgages as security for such loans, and provided further that the debt limit fixed by this section shall not be applicable to loans from such banks and such loans may be in such amounts as may be allowed by the laws and regulations governing or established by such banks."

§ 2. That Section 865 of Chapter 144 of the Acts of 1918 as amended by the Acts of 1926, being Section 865 of Carroll's Kentucky Statutes of 1930 be and the same is hereby amended by adding thereto the following words, to-wit: "or in the bonds or debentures of any Home Loan Bank established by Act of Congress. Building and loan associations operating under this act may subscribe for and invest their funds in the stock of any Home Loan Bank established by Act of Congress in such amounts and upon such terms as may be permitted by the laws and regulations governing said bank" so that the same, when so amended, shall read as follows:

"The moneys accumulated after due allowance made for necessary and proper expenses and for withdrawal of shares, shall at each monthly or weekly meeting be offered to members according to their priority or right to a loan as fixed by the by-laws. Each member, whose application for a loan has been approved, shall be entitled upon giving proper security and complying with by-laws, to receive a loan equal to par value of each share or fractional share held by him or such part as the by-laws allow, provided, however, that the by-laws may restrict the maximum amount of loan to which members may be entitled. If a balance of money remains after the weekly or monthly loans are granted the directors may invest the same in good and safe bonds or in such other securities in which banks are now permitted to invest or in the bonds or debentures of any Home Loan Bank established by Act of Congress. Building and loan associations operating under this act may subscribe for and invest their funds in the stock of any Home Loan Bank established by Act of Congress in such amounts and upon such terms as may be permitted by the laws and regulations governing said bank."

§ 3. That Section 874-b of Chapter 144 of the Acts of 1918, being Section 874-b of Carroll's Kentucky Statutes of 1930, be and the same is hereby amended by adding thereto the following words, to-wit: "All reports and information in the hands of the Banking Commissioner of and concerning building and loan associations operating under this act shall

be subject to inspection by the Federal Home Loan Bank and Federal Home Loan Bank Board and the duly authorized representative of either of them" so that said section, when so amended, shall read as follows, to-wit:

"The affairs of every domestic building and loan association not in liquidation shall be examined by the banking commissioner or by the building and loan clerk or one of the examiners provided in Section 874 of this act as often as shall be deemed necessary, but at least once in every year, and without any notice to such association, its officers or agents, and such examiner shall have the power and shall make a thorough examination into the condition, workings and affairs generally of such association, and he shall have the power to examine any officer, agent or employee of such association or any other person under oath touching the affairs thereof, and for that purpose shall have the power to administer oath. All books, papers and records and assets of such association shall be subject to his inspection. Said examiner shall make a report of his findings and file the same in the office of the banking commissioner and the said banking commissioner shall furnish a copy of such report to the association examined. Said examiner shall report any violation of law or any unauthorized or unfit practices or any failure to keep and have correct accounts of business of such association, and if he finds that any director has wilfully neglected to attend meetings regularly, he shall recommend the discharge of such director.

All reports and information in the hands of the Banking Commission of and concerning building and loan associations operating under this act shall be subject to inspection by the Federal Home Loan Bank and Federal Home Loan Bank Board and the duly authorized representative of either of them."

§ 4. That Section 868 of Acts of 1918 and being Section 868 of Carroll's Kentucky Statutes of 1930 relating to profits and losses of building and loan associations and distribution

thereof, be amended by striking therefrom the following words in the last sentence "and losses sustained" and substituting therefor "and all losses sustained except such losses from sale of real estate as may be charged to reserve fund as provided in Section 868-a" so that said section, as amended, shall read as follows:

"Dividends shall be declared, credited or paid on stock in proportion to the amount paid in on such stock, quarterly, semi-annually or annually, as the by-laws may provide, but no dividends shall be declared, credited or paid by any association, except out of net profits collected, after deducting from the earnings all expenses of operation and all losses sustained, except such losses from sale of real estate as may be charged to reserve fund as provided in Section 868-a."

§ 5. That Section 868-a of Acts of 1918, and being Section 868-a of Carroll's Kentucky Statutes of 1930 and relating to establishment of contingent or reserve fund or building and loan associations be amended by adding thereto the following:

"Provided further that any and all losses from sale of real estate may be charged against this fund, and in the event of any such charges, then any and all profits from sale of real estate shall, to the extent of losses charged, be credited to said fund" so that said section, as amended, shall read as follows:

"Every association shall set aside from the gross profits at least one per cent thereof each year as a sinking fund to provide against contingent losses until the total amount of the fund so set aside shall equal five (5) per cent of the assets of such association, but this sinking fund shall in no case exceed ten per centum of the assets of the association.

"Provided, however, that no association shall be required to reduce its dividend below five per cent for that purpose.

"Provided, further, that any and all losses from sale of real estate may be charged against this fund and in the event of any such charges, then any and all profits from sale of real estate shall, to the extent of losses charged, be credited to said fund."

§ 6. Whereas, a bill is now pending in Congress to create Federal Home Loan Banks, and

Whereas, in view of the present financial stringency it is desirable that Kentucky Building and Loan Associations be empowered to obtain the privileges and advantages to be derived from becoming members of said Federal Home Loan Banks;

Now, therefore, an emergency is hereby declared to exist and this act shall become a law upon its approval by the Governor.

Ordered that said bill be read the third time.

Senator Rogers moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of the members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| W. W. Booles | Walter N. Flippin | Perry B. Gaines |
| H. M. Brock | Chas. G. Franklin | Arch Hamilton |

| | | |
|---|---|---|
| J. S. W. Holloway | Ray B. Moss | Dr. Lewis Ryans |
| Robert Humphreys | D. C. Naive | E. D. Stephenson |
| Wm. Isaacs | Marion F. Pogue | Joe Stewart |
| L. C. Littrell | Dr. G. W. Ragan | Fred C. VanHoose |
| Frank I. Lloyd | O. M. Rogers | F. M. White |
| C.T.McCormick,Sr. | J. M. Rose | Sewell B. Williams |
| Wm. Mehler | R. H. Royster | W. A. Yates |
| E. C. Moore | | —29 |

Resolved that the title thereof be as aforesaid.

Senator Rogers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

A message was received from the House of Representatives announcing that they had passed bills of the following titles:

H. Res. 53. A resolution to authorize the treasurer of the Commonwealth of Kentucky to pay Kathryn Brown for stenographic work performed for the State.

It was ordered that said bill be referred to the Committee on Rules.

Said bill reads as follows:

Whereas, Kathryn Brown, a shorthand reporter of Lexington, Ky., was on the 8th day of November, 1932, engaged by Flem D. Sampson, then Governor of Kentucky, to report proceedings before A. A. Bablitz and J. Smith Hays, commissioners appointed by Flem D. Sampson, then Governor of Kentucky, to investigate the labor troubles in Harlan and Bell Counties, Kentucky; and

Whereas, the said Kathryn Brown, at the special instance and request of Governor Flem D. Sampson, over the long

distance telephone from his office in Frankfort, Ky., informed Kathryn Brown that he wanted her to go to Harlan the evening of November 8, 1931, to report to J. Smith Hays and A. A. Bablitz, commissioners, as a reporter for them, sent to them by Flem D. Sampson, the then Governor of Kentucky; and that the said Flem D. Sampson informed said Kathryn Brown that her fees would be paid; and that the said Kathryn Brown left Lexington, Ky., on the evening of November 8, 1931, and arrived at Harlan on the morning of November 9, 1931, and proceeded to report in shorthand, the evidence given before the commissioners, for a period of nine days, Sunday excepted, in Harlan, Ky., Wallins Creek, Evarts and many other towns and villages; and that said work was of long hours and tedious; and

Whereas, said Kathryn Brown, being directed by the said commissioners and by said Flem D. Sampson, to transcribe her shorthand notes, making an original and three copies, then proceeded to do so; but before she proceeded to transcribe said notes, she called upon Flem D. Sampson, the then Governor of Kentucky, in person, at his office in Frankfort, Ky.; and said Governor informed her that she would be paid as soon as the work was completed; and she was then directed by said Governor to employ additional help in transcribing her notes; and in compliance with his direction and request, she did employ two additional stenographers, for which assistance she has paid out of her own money; and that during the stay of said Kathryn Brown in Harlan County, together with said commission, two captains of the National Guards were with them and guarded them, at the expense of the Commonwealth of Kentucky; and that each witness, before giving in testimony, was informed by said commission, that this record was a public record and for the use and benefit of the Commonwealth of Kentucky; and

Whereas, on December 3, 1931, said Kathryn Brown caused to be delivered to A. A. Bablitz and J. Smith Hays, each, a carbon copy of said transcript; and also delivered to them the original copy of said transcript, for delivery to said

Flem D. Sampson, Governor; that she was informed by said commissioners that the original was delivered to the Governor's office; and that said Governor was furnished an extra copy of said transcript; and that there is now due Kathryn Brown for services rendered herein, the sum of seven hundred three and 50/100 ($703.50) dollars; and

Whereas, the said Kathryn Brown presented her bill for reporting said hearing and the transcript of her notes to Flem D. Sampson, at the time the original copy was delivered to him; and has received no part of said sum above mentioned; and that same is just, due and unpaid; and that she is unable to ascertain where the original and carbon copy which were delivered to him, are, at this time; or what he did with same; and

Whereas, said work was done in good faith, believing that Flem D. Sampson had appointed the commission under his power as Governor of the Commonwealth of Kentucky, and believing that said money would be paid by the Commonwealth of Kentucky, at the special instance and request of the then Governor of Kentucky; and that she was assured, before she left Lexington for Harlan, or did any part of the work, by the Governor of Kentucky, that she would be paid for her services; and that she called upon the Governor of Kentucky a few days before his term of office expired, relative to the transcribing of said testimony; and that she was assured then by the Governor of Kentucky, that she would be paid for her services as soon as the bill was presented and audited; that she was repeatedly urged by the commissioners and by Flem D. Sampson, the then Governor of Kentucky, to rush the transcript to completion that it might be filed before the term of office of said Sampson expired; that at much expense and great labor, she did complete the record and filed it with Flem D. Sampson, then Governor of Kentucky. She says that the fees charged are those fixed by Statute for this character of work; that she made no extra charge for the night sessions in taking the testimony or for the unusually long hours and strenuous labor involved in preparing the transcript in a very limited

time; and that the fees which she has charged are just, due and unpaid; and

Whereas, there is no provision of law by which said debt may be recovered, either by an action allowed by the General Assembly or by a direct claim against the Commonwealth of Kentucky; and

Whereas, there is no way by which same may be recovered by the Kathryn Brown except by direct appropriation of funds for said purpose; now, therefore,

Be it resolved by the Senate of the Commonwealth of Kentucky, the House concurring therein:

That there be and there is hereby appropriated for the use and benefit of Kathryn Brown, out of the treasury of the Commonwealth of Kentucky, the sum of seven hundred and three and 50/100 ($703.50) dollars, and the Auditor of Public Accounts is hereby authorized and directed to draw his warrant upon the treasury of this Commonwealth for said sum payable to Kathryn Brown; and the treasurer is authorized and directed to pay said warrant in the usual and customary way, said appropriation and payment to be made because said amount is justly due and owing to the said Kathryn Brown for services rendered to the Commonwealth of Kentucky and because there is no provision of law by which this sum may be collected by direct action against the Commonwealth of Kentucky.

Lexington, Ky.,
December 3, 1931.

GOVERNOR FLEM D. SAMPSON

To
Kathryn Brown, Reporter,
1400 Fayette Bank Bldg.,
Lexington, Ky.

Hotel Bill, Harlan, Ky. .....$ 16.50

| | |
|---|---|
| Taking Testimony, November 16, 17 and 18, 1931—3 days at $10.00 per day | $ 30.00 |
| TRANSCRIPT OF TESTIMONY: | |
| 1,290 Folios at 20 cents per Folio | 258.00 |
| To First Carbon, ½ of Original | 129.00 |
| To Second Carbon, ½ of Original | 129.00 |
| To Third Carbon, ¼ of Original | 64.50 |
| SYNOPSIS OF TESTIMONY: | |
| 170 Folios at 20 cents | 34.00 |
| First Carbon, ½ of Original | 17.00 |
| Second Carbon, ½ of Original | 17.00 |
| Third Carbon, ¼ of Original | 8.50 |
| Total | $703.50 |

H. B. 239. An Act to repeal, amend and re-enact Sections 2 and 3 of Chapter 33 of the Acts of the General Assembly of 1922, being an act prohibiting the manufacture, sale, transportation, possession or other disposition of spirituous, vinous, malt or intoxicating liquors, except for sacramental, medicinal, scientific or mechanical purposes; and providing a penalty for violation of the provisions thereof, being Sections 2554a-2 and 2554a-3.

It was ordered that said bill be referred to the Committee on Rules.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Section 2 of Chapter 33 of the Acts of the General Assembly of 1922, being Section 2554a-2 be and the same is hereby repealed, amended and re-enacted, so that said section when amended and re-enacted shall read as follows:

On a first conviction for a violation of any provisions of this Act, except for a violation of a provision for which a

particular penalty is herein provided, the defendant or defendants shall be fined not less than $100.00 nor more than $300.00, or be imprisoned for not less than thirty days nor more than sixty days, or by both such fine and imprisonment.

Upon a second conviction for a violation of any provision of this act, except Sections 3, 4, 14, 22, 23, 24, 26, 27, 28, 29, 30, 31 and 33, the defendant or defendants if persons, shall be confined in the penitentiary for not less than one year, nor more than three years, and for a third conviction and each subsequent conviction, the person or persons shall be imprisoned in the penitentiary not less than five years nor more than ten years. If the defendant be a corporation, for the second offense, a fine shall be imposed of not less than one thousand dollars, nor more than five thousand dollars, and for the third and each succeeding offense, a fine shall be imposed in the discretion of the jury, but not less than five thousand dollars.

§ 2. That Section 3 of Chapter 33 of the Acts of the General Assembly of 1922, being Section 2554a-3, be and the same is hereby repealed, amended and re-enacted so that said section when amended and re-enacted shall read as follows:

Any person or corporation manufacturing spirituous, vinous, malt or intoxicating liquors, except for sacramental, medicinal, scientific or mechanical purposes in the Commonwealth of Kentucky, shall, upon conviction for the first offense be fined not less than $100.00 nor more than $500.00; or by imprisonment for not less than sixty days nor more than six months, or by both such fine and imprisonment, in the discretion of the jury.

Upon a second conviction for such unlawful manufacture, the defendant or defendants, if persons, shall be confined in the State penitentiary for not less than one year nor more than five years, and for a third and each subsequent conviction shall be confined in the State penitentiary for not less than two years nor more than ten years, in the discretion of

the jury. Upon a second or any subsequent conviction of any corporation under this section, a fine shall be imposed of not less than $1,000.00 nor more than $5,000.00, in the discretion of the jury.

§ 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

H. B. 313. An Act to amend Section 12, Article 6, of an Act entitled "An Act for the government of cities of the second class in the Commonwealth of Kentucky," approved March 19, 1894, and being Section 3157 of the Kentucky Statutes, Carroll's Edition, 1930.

It was ordered that said bill be referred to the Committee on Rules.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Section 12, Article 6, of an Act entitled "An Act for government of cities of the second class in the Commonwealth of Kentucky," approved March 19, 1894, and being Section 3157 of the Kentucky Statutes, Carroll's Edition, 1930, be, and it is, amended and re-enacted so as to read as follows:

"2. (12) The judge of the Police Court shall have the authority to appoint a clerk of his court, who shall receive for his services such salary as the General Council or Board of Commissioners shall fix by ordinance, provided, however, that such salary shall not exceed $1,800.00 (nor be less than $600.00) per annum."

§ 3. All laws in conflict herewith are hereby repealed.

H. B. 472. An Act to amend and repeal and re-enact

Section 27411-3, Carroll's Kentucky Statutes, 1931 Supplement, relating to the purchase of water works in cities of the third class.

It was ordered that said bill be referred to the Committee on Rules.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

One or more of such water works, owned by one or more persons or corporations, may be acquired hereunder as a single enterprise, and the Common Council or Board of Commissioners of such city shall have the authority to purchase the same at such value after publishing said agreement of purchase setting out the price, interest rate, condition of plant, possible depreciation and repairs in all the newspapers of general circulation of such city or in such county in which such city is located. In case no such newspaper is published in such city or county, then by posting large posters in ten (10) or more prominent places in such city, setting out the above details, for a period of forty-five (45) days. If within such time a petition, signed by two hundred (200) or more qualified voters of such city calling for an election to be held on the regular November election day in such year, and if such election occurs more than forty-five (45) days after the time of filing such petition, or if the next November election occurs less than forty-five (45) days after the filing of such petition, it shall go over until the next November election occurring more than forty-five (45) days thereafter, which said petition shall be filed with the County Clerk of such county. Notice of such election in addition to any other publication or notice required herein, shall be given in the same manner as above required to give notice of such agreement of such City Council or Board of Commissioners, with such electric light, heat and power plants, which is as follows: By publishing the price, term of bonds, interest, general repairs

and condition of plant and nature of such election in all the newspapers of general circulation, published in such city for a period of forty-five (45) days or if no newspaper of general circulation is published in such city, then in the newspapers of general circulation published in such county and if no newspaper is published in such city or county, then by posting large posters in ten (10) or more prominent places in such city. The election shall be held at the next November elecition held more than forty-five (45) days after the time of such publication. Said purchase shall not be consummated unless such election is carried by a majority vote of all the qualified voters voting on such proposition. The question to be submitted to the voters on the ballot at such election shall be:

Are you in favor of the city of .....purchasing .....at the price of $.....?

All blanks in such question shall be completed before submitting ballots to qualified voters.

H. B. 548. An Act authorizing the Wayne County Board of Education to pay Georgia Taylor the sum of $188.00; authorizing said County Board of Education to pay to Estill Koger the sum of $194.00; and authorizing said County Board of Education to pay to Carrie Barnett the sum of $136.00 for services rendered by said persons to said Board of Education.

It was ordered that said bill be referred to the Committee on Rules.

Said bill reads as follows:

Whereas, Georgia Taylor taught in Wayne County Schools, District No. 16, for 2 13/17 months beginning July 16, 1928, for which she should have received $68.00 per month, or a total of $188.00; and

Whereas, Estill Koger taught in Wayne County Schools,

District No. 12, for three months, beginning July 16, 1928, for which he should have received $68.00 per month, or a total of $194.00; and

Whereas, Carrie Barnett taught in Wayne County School District No. 66, for two months, beginning July 16, 1928, for which she should have received $68.00 per month, or a total of $136.00; and

Whereas, the records of the Wayne County Board of Education indicate that Georgia Taylor, Estill Koger and Carrie Barnett received no compensation for the services rendered by them as hereinafter set out because of a technicality in the law which did not permit the issuance to them of a certificate until after these services had been rendered by them;

Now, therefore, be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Wayne County Board of Education is hereby authorized to draw its warrant upon the treasurer of the said board in favor of Georgia Taylor for the sum of $188.00; to Estill Koger for the sum of $194.00; and to Carrie Barnett for the sum of $136.00, to reimburse said persons for services rendered the Wayne County Board of Education.

H. B. 665. An Act to repeal, amend and re-enact Section 1838, Carroll's Kentucky Statutes, Baldwin's Revision, Official Edition of 1930, relating to regular and special terms of the Fiscal Court.

It was ordered that said bill be referred to the Committee on Rules.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. Section 1838 of Carroll's Kentucky Statutes, Bald-

win's Revision, Official Edition of 1930, be and the same is hereby repealed and there is hereby re-enacted in lieu thereof the following:

The Fiscal Court shall be a court of record and shall hold two regular terms in each year not exceeding three days to the term, commencing on the first Tuesday of April and October and continue until the business of the court is disposed of, not exceeding three days. But the county court of any county may, by an order of record, fix a different date for the commencement of said terms; provided, that one of said terms shall be held in October. The County Judge shall have the power to call a special term of said court for the transaction of any business of which the court has jurisdiction, provided the special term shall not be for more than one day. Whenever the necessity exists for an extension of the regular term or for the calling of a special term, the reason thereof and the business to be transacted shall be set out at length in the order book of the orders of the county court of the county. When the County Judge is unable to act, the special session may be called by a majority of the court, the reason thereof set out at length in the orders of the fiscal court. For each day's attendance by the members of the fiscal court, each shall be paid not exceeding $5.00 per day for not exceeding twelve days per year; and if any term is extended or special term called and held for any reason or for any purpose, for exceeding 12 days annually the members of the fiscal court shall not be entitled to be paid more than twelve days per year.

All laws and parts of laws in conflict herewith are hereby repealed. Nothing in this Act shall be construed to repeal or be in conflict with Sections 1847, 1848, 1849, 1850, 1851a-1, 1851a-2, 1851a-3, 1851b-1, 1851b-2, 1851b-3, 1851b-4, 1851b-5, 1851b-6, 1851b-7, 1851b-8, 1851b-9, 1851b-10 of Carroll's Kentucky Statutes, 1930 Edition.

H. B. 782. An Act to amend Section 172 of the Constitution of the Commonwealth of Kentucky so as to authorize the General Assembly to enact laws exempting real estate and/or tangible personal property from taxation for State purposes.

It was ordered that said bills be referred to the Committee on Rules

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That upon the concurrence of three-fifths of all members elected to each house the yeas and nays being taken thereon and entered in full on their respective journals, Section 172 of the Constitution be, and is, amended and revised, so that it shall read as follows:

All property, not exempted from taxation by this Constitution, shall be assessed for taxation at its fair cash value, estimated at the price it would bring at a fair voluntary sale; but the General Assembly shall have power to provide by law that real estate and/or tangible personal property may be exempted from taxation for State purpose. Any officer, or other person authorized to assess values for taxes, who shall commit any wilful error in the performance of his duties shall be guilty of misfeasance and upon conviction thereof shall forfeit his office, and be otherwise punished as provided by law.

§ 2. This amendment shall be submitted to the voters of the Commonwealth for ratification or rejection at the time and in the manner provided for under Section 256 of the Constitution of Kentucky and Section 1459 of Carroll's Kentucky Statutes, 1930 edition.

A message was received from House of Representatives announcing that they had passed bills of the following titles, viz.:

S. B. 94. An Act to amend and re-enact Section 1460 of the 1930 edition of Carroll's Kentucky Statutes.

S. B. 200. An Act relating to schools and changing boundary line of graded common school districts.

S. B. 306. An Act to amend and re-enact Section 4148, Kentucky Statutes, Carroll's 1930 Edition, relating to the time and manner of payment of taxes.

S. B. 399. An Act relating to intoxicating liquor and to repeal Section 2554a-18, Kentucky Statutes 1930 Carroll's Edition, being Section 18 of Chapter 33 of the Acts of 1922.

S. Res. 30. A resolution for benefit of Owsley County.

Senator Allie W. Young moved that the Senate recess until 1 o'clock P. M.

Said motion was agreed to.

The Senate reconvened at 1 o'clock P. M.

Senator Stewart moved that the privileges of the floor be extended to Mr. and Mrs. W. D. Fant of Danville, Messrs. J. G. Kelley and E. J. Johnson of Hawesville.

Said motion was agreed to.

Senator Jacobs moved that the privileges of the floor be extended to Mr. Warren Fisher of Carlisle.

Said motion was agreed to.

Senator Royster moved that the privileges of the floor be extended to Judge M. L. Blackwell and Mr. N. Powell Taylor.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the House of Representatives of the following title:

H. B. 425. An Act providing educational opportunities for the orphans of soldiers, sailors, and marines who were

killed in action or died during the World War, and appropriating necessary money therefor from general fund.

Senator Humphreys proposed the following amendments to said bills:

Amend House Bill No. 425 by striking out paragraph 3 on page 2 of the printed bill and substituting therefore the following paragraph: the funds for carrying out the provisions of this Act shall be such funds as may be provided therefor in the biennial budget for the fiscal years ending June 30, 1933 and June 30, 1934 provided not more than one hundred and fifty dollars shall be paid under said provisions for any one child for any one school year. And provided further that in the event all of said fund is not consumed in providing scholarships for orphans attending State owned institutions of learning, then and in that event the State Board of Education, in the exercise of wise and sound discretion, may appropriate said balance, if any, to eligible war orphans who desire to enroll in vocational, technical, or business schools; provided further that not more than six scholarships in such schools may be so awarded.

Amend title of House Bill No 425 by striking out in line 3 of title the following words "and appropriating necessary money therefor from general fund."

Senator Humphreys moved that said amendments be adopted.

The question being taken thereon, was decided in the affirmative.

Said amendments were adopted.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. The sum appropriated under the provisions of the Act shall be used for the sole purpose of providing for matriculation fees, board and room rent and books and supplies for the use and benefit of the children not under sixteen and not over twenty-one years of age; and who have for twelve months had their domicile in the State of Kentucky, of those World War Veterans who were killed in action or died from other causes in the World War, from April 6, 1917, to July 2, 1921, while serving in the army, navy or marine corps of the United States, or as a result of such service; which orphans are attending or may attend a State educational institution of a secondary or college grade. Said children shall be admitted to State institutions of secondary or college grade free of tuition.

§ 2. The amounts that may be or may become due to any educational or training institution, not in excess of the amount specified in section three hereof, shall be payable to such institution or school from the fund hereby created on vouchers approved by the State Board of Education. Said Board shall determine the eligibility of the children who make application for the benefits provided for in this act; satisfy itself of the attendance of such children at any such institution or school and of the accuracy and reasonableness of the charge or charges submitted to said Board by the authorities of any such institution, on account of the attendance thereat of any such children; provided no member of said Board or its Secretary shall receive any compensation for such services.

§ 3. The sum of Three Thousand Six Hundred Dollars, or so much thereof as may be necessary, is hereby appropriated from the general fund for each of the fiscal years ending June 30, 1933, and June 30, 1934, for carrying out the provisions of this act; provided not more than one hundred and fifty dollars shall be paid under said provisions for any one child for any one school year. And provided further that in the event all of said fund is not consumed in providing scholarships for orphans attending State owned institutions of learning, then and in that event the State Board of Education, in the exercise of wise and sound discretion, may appro-

priate said balance, if any, to eligible war orphans who desire to enroll in vocational, technical, or business schools; provided further that not more than six scholarships in such schools may be so awarded.

Ordered that said bill be read the third time.

Senator Humphreys moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | L. C. Littrell | O. M. Rogers |
| H. M. Brock | Frank I. Lloyd | J. M. Rose |
| Dr. T. J. Edge | Rev. C. D. McCaw | R. H. Royster |
| Thos. C. Ferguson | C.T.McCormick,Sr. | E. D. Stephenson |
| Walter N. Flippin | Wm. Mehler | Joe Stewart |
| Perry B. Gaines | E. C. Moore | F. M. White |
| Robert Humphreys | Ray B. Moss | Sewell B. Williams |
| Wm. Isaacs | Marion F. Pogue | W. A. Yates |
| Silas Jacobs | Dr. G. W. Ragan | Allie W. Young |
| Alex E. Johnson | | —28 |

Resolved that the title thereof be as amended.

Senator Humphreys moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the House of Representatives of the following title:

H. B. 362. An Act amending Section 579, Kentucky Statutes, Carroll's 1930 Edition relating to banks and banking, and empowering banks, trust companies, and combined banks and trust companies to pledge certain assets as security for public funds of the United States, State, municipal, county, public schools, taxing districts, and other public funds.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Section 579 Kentucky Statutes, Carroll's 1930 Edition, be and the same hereby is amended so that said section as amended shall read as follows: When the articles are filed and recorded as provided by law it may commence business and shall thereupon become a body corporate, and to be known by and carry on its business in its corporate name, and as such shall have power to adopt and use a corporate seal; to make contracts, sue and be sued, to appoint, remove and elect officers, define their duties, and require from any of them a bond for the faithful discharge of their duties; to prescribe, by its board of directors, by-laws for the government of the bank not inconsistent with law; to exercise, subject to law, such powers as may be necessary to carry on the business of banking by discounting and negotiating notes, drafts, bills of exchange, and other evidences of debt, and purchasing bonds, receiving deposits, and allowing interest thereon, buying and selling exchange, coin and bullion, and lending money on personal or real security, as provided in this article. Any bank or trust company may accept for payment at a future date drafts or bills of exchange drawn upon it by its customers and issue letters of credit authorizing the holders thereof to draw drafts upon it or its correspondents at sight or on time, not

exceeding one year, and may also accept drafts or bills of exchange drawn upon it, having not more than six months' sight to run, growing out of transactions involving the importation and exportation of goods, and any bank or trust company may discount acceptances which are based upon the importation or exportation of goods and which have a maturity at time of discount of not more than three months and are endorsed by at least one other bank or trust company, but no bank or trust company shall accept such drafts or bills of exchange to an amount equal at any time in the aggregate to more than one-half of its paid-up and unimpaired capital stock and surplus, except by authority of the banking commissioner under such general regulations as said commissioner may prescribe, and in no event to an amount exceeding the capital stock and surplus of such bank or trust company; and such regulations shall apply to all banks or trust companies alike, regardless of the amount of capital stock and surplus. In addition to the powers heretofore conferred upon and now possessed by banks, trust companies, and combined banks and trust companies doing business under the laws of this State, they are hereby authorized and empowered, subject to charter limitations, to pledge such portion of their assets as may be required as collateral security for the deposit and/or deposits of public funds deposited with them, or any of them, by or under the authority of the United States, the Commonwealth of Kentucky, or any county, municipality, public school district, or other taxing district within the Commonwealth of Kentucky, or by any tax collector or other person having the legal custody or control of any such public fund or funds.

§ 2. All acts and parts of acts in conflict herewith, to the extent of such conflict, are hereby repealed.

§ 3. On account of the financial conditions generally and of the difficulty in obtaining security and protection for the deposit of public funds, an emergency is declared to exist and this act shall become effective immediately upon its passage and approval by the Governor.

Ordered that said bill be read the third time.

Senator Franklin moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| W. W. Booles | Perry B. Gaines | Wm. Mehler |
| H. M. Brock | Arch Hamilton | E. C. Moore |
| Edwin C. Dawson | J. S. W. Holloway | Dr. G. W. Ragan |
| Dr. T. J. Edge | Wm. Isaacs | J. M. Rose |
| Thos. C. Ferguson | Alex E. Johnson | R. H. Royster |
| Walter N. Flippin | Rev. C. D. McCaw | Joe Stewart |
| Chas. G. Franklin | C.T.McCormick,Sr. | Allie W. Young |

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Those who voted in the negative were:

| | | |
|---|---|---|
| Silas Jacobs | D. C. Naive | E. D. Stephenson |
| Ray B. Moss | O. M. Rogers | |

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Resolved that the title thereof be as aforesaid.

Senator Franklin moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of

the Day a bill which originated in the House of Representatives of the following title:

H. B. No. 26. An Act to authorize the Governor of the Commonwealth of Kentucky to lengthen or delay the time of payment of taxes, interest on taxes, and to give the proper relief to sheriffs when such delays be granted by the Governor's Proclamation.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That in case of extreme drought and the failure in whole or in part of crops in the Commonwealth of Kentucky; That in case of continued unemployment due to any and all economic changes; that in case of extreme destruction of property, live stock or crops by wind, rain, lightning, earthquakes or tornadoes or any other act of Providence destructive to the financial interest of the peoples of the State. That in case due to any one or more of the above listed causes, financial embarrassment and distress lays a heavy hand upon the taxpayers of the Commonwealth, and wherein the public good, the public happiness and the general welfare of the people of the State can best be served and protected, that the Governor of the Commonwealth of Kentucky be vested with full authority when in his wise and better judgment he be convinced that an extreme emergency exists and extreme financial distress is present among the taxpayers of the State and that relief in the premises would serve the best interest of the taxpayers of Kentucky or any part thereof, then the Governor of the Commonwealth of Kentucky shall by a proclamation delay or lengthen the time for payment on any taxes or interest, either or both, due to the State or counties, for a period not less than thirty days or more than ninety days at the discretion of the Governor. Said proclamation may apply to one or more counties or to the entire State.

§ 2. The sheriffs of the Commonwealth of Kentucky

shall have full relief for any taxes, interest or penalties exacted of them by any law in the event of such proclamation by the Governor of this Commonwealth.

§ 3. All laws in conflict are hereby repealed to the extent of such conflict.

Ordered that said bill be read the third time.

Senator Holloway moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | J. S. W. Holloway | Dr. G. W. Ragan |
| W. W. Booles | Robert Humphreys | O. M. Rogers |
| H. M. Brock | Wm. Isaacs | J. M. Rose |
| Edwin C. Dawson | Silas Jacobs | Dr. Lewis Ryans |
| Dr. T. J. Edge | Alex E. Johnson | Joe Stewart |
| Thos. C. Ferguson | Frank I. Lloyd | Thos. O. Turner |
| Walter N. Flippin | Rev. C. D. McCaw | F. M. White |
| Chas. G. Franklin | Wm. Mehler | Sewell B. Williams |
| Perry B. Gaines | E. C. Moore | W. A. Yates |
| Arch Hamilton | Marion F. Pogue | Allie W. Young |

—30

Those who voted in the negative were:

| | | |
|---|---|---|
| Ray B. Moss | E. D. Stephenson | Fred C. VanHoose |

—3

Resolved that the title thereof be as aforesaid.

Senator Rose moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. B. 452. An Act to amend and re-enact Chapter 216 of the Acts of the General Assembly of 1930, which is an Act entitled: An Act to amend Chapter 222 of the Acts of the General Assembly of 1926, relating to roads and highways and extending the primary highway system by adding thereto a road from Dave Legrand's store, on Federal Highway No. 60 via Doe Run Mill on the Old Garnettsville Road to Lick Skillett, thence to Garnettsville, thence to Muldraugh, connecting with Federal Highway No. 31.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Chapter 216 of the Acts of the General Assembly of 1930, be amended and re-enacted so that said Act when so amended and re-enacted shall read as follows:

That chapter 222 of the Acts of the General Assembly of the Commonwealth of Kentucky of 1926, relating to roads and highways, be and the same is amended by adding thereto, as a part of the primary highway system of a road from Federal Highway No. 60, at Dave LeGrand's Store, thence to Doe Run Mill on the old Garnettsville road, thence to Lick Skillet, thence to Garnettsville, thence to Muldraugh, connecting with Federal Highway No. 31; said road to be approximately ten miles in length and shall be known as project No. — to be

designated by the State Highway Department. The project hereby established as a part of the primary system of the State Highways of the Commonwealth of Kentucky, shall have the benefit and future laws relating to said system and the construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in chapter 17 of the Acts of 1920, establishing and creating a primary system of State roads.

§ 2. Said road shall be known and designated as the Morgan Trail.

Ordered that said bill be read the third time.

Senator Jacobs moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Frank I. Lloyd | R. H. Royster |
| W. W. Booles | Rev. C. D. McCaw | Dr. Lewis Ryans |
| Dr. T. J. Edge | C.T.McCormick,Sr. | E. D. Stephenson |
| Thos. C. Ferguson | Wm. Mehler | Joe Stewart |
| Walter N. Flippin | E. C. Moore | Thos. O. Turner |
| Chas. G. Franklin | Ray B. Moss | Fred C. VanHoose |
| Arch Hamilton | D. C. Naive | F. M. White |
| J. S. W. Holloway | Marion F. Pogue | Sewell B. Williams |
| Robert Humphreys | Dr. G. W. Ragan | W. A. Yates |
| Silas Jacobs | O. M. Rogers | Allie W. Young |
| L. C. Littrell | | |

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Resolved that the title thereof be as aforesaid.

Senator Jacobs moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. B. 443. An Act to amend and re-enact Sections 4619 and 4625, Kentucky Statutes, Carroll's 1930 Edition, relating to the appointment and powers of the State Inspector and Examiner and his assistants, providing compensation therefor, and fixing penalty for violation of this Act.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That Section 4619, Kentucky Statutes, Carroll's 1930 Edition, be and the same is hereby amended and re-enacted so that, as amended and re-enacted, said section shall read as follows:

The governor shall, by and with the advice and consent of the senate, appoint on the first Monday in January, for a period of four years, an officer to be known as the State inspector and examiner. The person so appointed shall be at least thirty years of age and possess all the qualifications of an elector. He shall hold his office for four years from the date of his appointment, and until his successor is elected and qualified. He shall receive an annual salary of three thousand dollars ($3,000.00), payable in the same manner as the salary of the governor, and shall also receive his necessary traveling expenses when on business connected with the office. His expenses shall be paid upon the warrant of the auditor, when

he has filed with the auditor an itemized statement of said expenses, subscribed and sworn to by him and approved by the Governor. The State inspector and examiner may, with the approval of the governor, employ such assistants and stenographers to assist in the performance of the duties required of him, under the law, as are necessary. The compensation of such assistants and stenographers shall be fixed in advance, by agreement between the State inspector and examiner, the governor and such assistants and stenographers.

In addition to the salary and compensation herein authorized to be paid, the State inspector and examiner and the governor may allow to such assistants and stenographers employed hereunder their actual necessary traveling expenses while engaged in the service of the State. Such compensation and expenses herein provided shall be paid upon the warrant of the auditor when there has been filed with him an itemized statement of such salary and expenses, subscribed and sworn to by such assistants and stenographers, and approved by the State inspector and examiner and also approved by the governor.

That Section 4625, Kentucky Statutes, Carroll's 1930 Edition, be and the same is hereby amended and re-enacted so that, as amended and re-enacted, said section shall read as follows:

The State inspector and examiner and his assistants shall, at all times, have access to the papers, books and records of any of the asylums, prisons, feeble-minded and eleemosynary institutions, public works and offices that he is authorized to investigate, and they shall have power to issue process and compel the attendance of witnesses before them, and to administer oaths to and compel witnesses to testify in any of the investigations the State inspector and examiner is authorized to make; and, upon the failure of any witness to attend or testify, without legal excuse, he shall be deemed guilty of a misdemeanor, and, upon conviction, fined not exceeding twenty-five dollars ($25.00) for each offense.

Ordered that said bill be read the third time.

Senator Franklin moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| W. W. Booles | Frank I. Lloyd | Dr. Lewis Ryans |
| Edwin C. Dawson | Rev. C. D. McCaw | E. D. Stephenson |
| Thos. C. Ferguson | Wm. Mehler | Joe Stewart |
| Walter N. Flippin | E. C. Moore | Thos. O. Turner |
| Chas. G. Franklin | D. C. Naive | Fred C. VanHoose |
| Arch Hamilton | Marion F. Pogue | Sewell B. Williams |
| J. S. W. Holloway | Dr. G. W. Ragan | W. A. Yates |
| Silas Jacobs | O. M. Rogers | Allie W. Young |
| L. C. Littrell | R. H. Royster | —26 |

Resolved that the title thereof be as aforesaid.

Senator Franklin moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. B. 462. An Act to amend and re-enact Section 75 of Carroll's Kentucky Criminal Code of Practice, Baldwin's 1932 revision, same being Chapter 44 of the Acts of the General Assembly of 1924 as amended by Chapter 30 of the Acts of the General Assembly of 1927.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section 75 of Carroll's Kentucky Criminal Code of Practice, Baldwin's 1932 revision, and being Chapter 44 of the Acts of the General Assembly of 1924 as amended by Chapter 30 of the Acts of the General Assembly of 1926 be amended and re-enacted so that when so re-enacted it will read:

"In all cases, in the circuit court, when the defendant shall have been convicted of a felony, except in cases where the jury has inflicted the death penalty of life imprisonment; and except cases where the defendant has been convicted of robbery or burglary, or having in possession burglarious tools, as denounced and punished by section 1159 of the 1930 edition of Carroll's Kentucky Statutes, Baldwin's edition; and except convictions for robbery of a bank, or safe, as denounced by section 1159a of the same edition of the Kentucky Statutes; and except convictions for assault with intent to rob, as denounced by section 1160 of the same Statutes; and except convictions for kidnapping and holding a person for ransom, as denounced by section 1157a of the same Statutes; and except convictions for voluntary manslaughter where the punishment exceeds confinement in the penitentiary for five years, he shall be permitted to execute bond pending his appeal to the Court of Appeals.

"The substance of such bond shall be that he will render himself amenable to the orders and process of the courts, and if his case is affirmed he will surrender himself to the sheriff of the county of his conviction within thirty days after the

affirmance has become final, to be taken by such sheriff to prison as provided in the judgment of conviction, or if his case shall be reversed, he will appear in the next term of the circuit court in which he was convicted, which does not begin within less than ten days of the reversal of the judgment of the circuit court, again to answer said charge.

"The bond shall be for a penal sum sufficient to secure the defendant's appearance or his surrender to the court in execution of the judgment if it should be affirmed, and it may be executed before the circuit court or the trial judge at any time before the record is filed in the Court of Appeals, and after that time it may be executed before the Clerk of the Court of Appeals, and in all cases where a bond is allowable hereunder it shall be the duty of the trial judge to fix the sum for which it may be given by an order made a part of the judgment, and which amount so fixed shall govern the authority taking the bond as herein provided for. In either case the bond may be adjudged to be forfeited by order of the circuit court for non-compliance with its terms by the defendant."

§ 2. All laws or parts of laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

Senator Franklin moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said

bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Arch Hamilton | O. M. Rogers |
| W. W. Booles | J. S. W. Holloway | R. H. Royster |
| H. M. Brock | C.T.McCormick,Sr. | Dr. Lewis Ryans |
| Edwin C. Dawson | E. C. Moore | Fred C. VanHoose |
| Dr. T. J. Edge | Ray B. Moss | F. M. White |
| Walter N. Flippin | D. C. Naive | W. A. Yates |
| Chas. G. Franklin | Marion F. Pogue | Allie W. Young |
| Perry B. Gaines | Dr. G. W. Ragan | —23 |

Those who voted in the negative were:

| | | |
|---|---|---|
| Silas Jacobs | J. M. Rose | Sewell B. Williams |
| | | —3 |

Resolved that the title thereof be as aforesaid.

Senator Franklin moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the Senate of the following title:

S. Res. 43. A resolution authorizing the Auditor of Public Accounts to draw a warrant upon the Treasurer on behalf of the persons and in the amounts herein named.

Said bill reads as follows:

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate of the Commonwealth concurring*:

The Auditor of Public Accounts is ordered and directed to draw his warrant upon the treasurer payable to each of the parties herein named and for the amounts thereof, upon the presentation of each of said parties to the Auditor of Public Accounts, a properly issued witness claim signed by Kelly C. Smither, Clerk of the Franklin Circuit Court, for the per diem and mileage of each of said witnesses, to-wit:

| Name | Amount |
|---|---|
| R. M. Oakley, Morgan County, per diem and mileage | $11.68 |
| T. J. Green, Owsley County, per diem and mileage | 11.20 |
| Cro. C. Caudill, Letcher County, per diem and mileage | 18.80 |
| Thomas C. Pryse, Lee County, per diem and mileage | 12.40 |
| Sam Cornett, Perry County, per diem and mileage | 14.64 |
| G. P. Cornett, Perry County, per diem and mileage | 14.64 |
| Mrs. W. H. Beatty, Lee County, per diem and mileage | 12.40 |
| R. L. Moorman, Grayson County, per diem and mileage | 11.16 |
| Elmer McGrew, Grayson County, per diem and mileage | 11.16 |
| P. T. Parsons, Grayson County, per diem and mileage | 11.16 |
| E. B. Tilford, Grayson County, per diem and mileage | 11.16 |
| H. A. Lowery | 11.16 |
| A. L. Nichols | 11.16 |
| Mary L. Cave | 11.16 |
| Mrs. Maggie O'Riley | 11.16 |
| J. R. Blake, Breathitt County | 10.84 |
| J. S. Redwine, Breathitt County | 10.84 |
| J. P. Crain, Breathitt County | 10.84 |
| Isaac Holland | 10.84 |
| Elbert Hargis | 11.84 |
| G. L. Allen | 11.84 |
| Solomon Noble | 11.84 |
| J. S. Holland | 11.84 |
| Wilgus Bach | 13.84 |
| H. L. Spencer | 12.84 |
| M. T. Bach | 12.84 |
| K. A. Perkins | 7.20 |
| S. J. Cockrell | 10.84 |
| A. H. Hargis | 13.84 |
| S. A. Phillips, Jefferson County | 8.00 |

Ordered that said bill be read the third time.

Senator Williams moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Silas Jacobs | J. M. Rose |
| W. W. Booles | Alex E. Johnson | R. H. Royster |
| H. M. Brock | Frank I. Lloyd | Dr. Lewis Ryans |
| Edwin C. Dawson | Rev. C. D. McCaw | E. D. Stephenson |
| Dr. T. J. Edge | C.T.McCormick,Sr. | Joe Stewart |
| Thos. C. Ferguson | Wm. Mehler | Thos. O. Turner |
| Walter N. Flippin | E. C. Moore | Fred C. VanHoose |
| Chas. G. Franklin | Ray B. Moss | F. M. White |
| Perry B. Gaines | D. C. Naive | Sewell B. Williams |
| Arch Hamilton | Marion F. Pogue | W. A. Yates |
| J. S. W. Holloway | Dr. G. W. Ragan | Allie W. Young |
| Robert Humphreys | O. M. Rogers | —35 |

Resolved that the title thereof be as aforesaid.

Senator Williams moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of

the Day a bill which originated in the House of Representatives of the following title:

H. B. 765. An Act to repeal and re-enact Section 4526b-5, Kentucky Statutes, Carroll's 1930 Edition, relating to high school pupils attending the high school that is most convenient to them and providing for the payment of tuition therefor, so that said Section, when repealed and re-enacted, shall read:

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That where an approved high school already exists that any high school pupil shall have the privilege of attending the school in the county which is most convenient or the most convenient school within the county wherein the pupil resides; and that the county in which he resides shall pay the tuition of said pupil at the same rate as fixed for other high school pupils in said county.

Ordered that said bill be read the third time.

Senator Allie W. Young moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Wm. Isaacs | O. M. Rogers |
| W. W. Booles | Silas Jacobs | J. M. Rose |
| H. M. Brock | L. C. Littrell | R. H. Royster |
| Edwin C. Dawson | Frank I. Lloyd | E. D. Stephenson |
| Dr. T. J. Edge | Rev. C. D. McCaw | Joe Stewart |
| Thos. C. Ferguson | C.T.McCormick,Sr. | Thos. O. Turner |
| Walter N. Flippin | Wm. Mehler | Fred C. VanHoose |
| Chas. G. Franklin | E. C. Moore | F. M. White |
| Perry B. Gaines | Ray B. Moss | Sewell B. Williams |
| Arch Hamilton | D. C. Naive | Allie W. Young |
| J. S. W. Holloway | Marion F. Pogue | Gates F. Young |
| Robert Humphreys | Dr. G. W. Ragan | —35 |

Resolved that the title thereof be as aforesaid.

Senator Allie W. Young moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill which originated in the House of Representatives of the following title:

H. B. 582. An Act to regulate the license of animals for public service.

Said bill reads as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That no one shall be allowed to license and stand for public service any bull or boar except of pure breeding. Proof of this breeding must be established by the owner by showing certificate of registration in one of the herd books of one of the known breeds or by a sworn affidavit that the

animal to be licensed is pure bred and that the ancestry of such pure bred animal has been registered or was eligible to registration in the records of one of the known breeds. In the case of the establishment of a new breed shall have been pure bred for at least six generations.

All laws and parts of laws in conflict with this Act are hereby repealed.

This Act shall take effect and be in force on and after January 1st 1933.

Ordered that said bill be read the third time.

Senator Turner moved that the third reading of said bill at length be dispensed with and that it be read by its title only and placed upon its passage.

Said motion was agreed to by a majority of members elected.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

| | | |
|---|---|---|
| Jas. H. Bondurant | Frank I. Lloyd | Dr. Lewis Ryans |
| W. W. Booles | Rev. C. D. McCaw | E. D. Stephenson |
| Edwin C. Dawson | C.T.McCormick,Sr. | Joe Stewart |
| Walter N. Flippin | Wm. Mehler | Thos. O. Turner |
| Chas. G. Franklin | D. C. Naive | Sewell B. Williams |
| Perry B. Gaines | Dr. G. W. Ragan | Allie W. Young |
| J. S. W. Holloway | O. M. Rogers | Gates F. Young |
| L. C. Littrell | | —22 |

Those who voted in the negative were:

| | | |
|---|---|---|
| Dr. T. J. Edge | Ray B. Moss | Fred C. VanHoose |
| Robert Humphreys | J. M. Rose | F. M. White |
| E. C. Moore | R. H. Royster | —8 |

Resolved that the title thereof be as aforesaid.

Senator Littrell moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

## ENROLLMENT REPORT

Senator Stewart, of the Committee on Enrollment, reported that they had examined and found correctly enrolled, bills and resolutions which originated in the Senate, of the following titles:

S. Res. 15. A resolution providing for Legislative Digest for members of General Assembly.

S. B. 135. An Act to amend and re-enact Section 2 of Section 606 of Carroll's Kentucky Civil Code of Practice.

S. B. 181. An Act to establish as a part of the primary system of the highways of the Commonwealth of Kentucky a road beginning at Haywood, Barren County, Kentucky, by the way of Rocky Hill and Finney, Barren County, Kentucky, to Berry's Store, Warren County, Kentucky, thence to Hydro, Warren County, Kentucky, connecting with Road Project No. 80 in Warren County, Kentucky.

S. B. 197. An Act to establish as a part of the primary system of State highways a road from near mouth of Abner Fork of Beaver Creek to upper end of the town of Weeksberry in Floyd County.

S. B. 204. An Act establishing as a part of the primary system of State highways a road leading from Haddix in Breathitt County, Kentucky, to Chavies in Perry County, Kentucky.

S. B. 205. An Act establishing as part of the primary system of State highways, a road leading from Blanton Bridge on Route 15 in Breathitt County, Kentucky, via Taulbee Post Office and the mouth of Rock Lick Creek, up Rock Lick Creek and down Trent Creek to Lee City in Wolfe County, Kentucky.

S. B. 206. An Act establishing as part of the primary system of State highways a road leading from the mouth of Quicksand Creek at the intersection of Highway Route 15, up Quicksand Creek to South Quicksand Creek; up South Quicksand Creek so as to intersect with the Quicksand-Hindman Road.

S. B. 207. An Act establishing as part of the primary system of State highways a road leading from the mouth of Meat Scaffold Creek up Quicksand Creek via Stevenson Post Office, Keck Post Office and so as to intersect Highway 15 at the mouth of Cope Fork of Frozen Creek.

S. B. 208. An Act establishing as part of the primary system of State highways, a road leading from a point at Wrigley, Kentucky, in the Sandy Hook-West Liberty Road via Flat Woods, Grassy Creek, Sellars, to the Cannel City-Hazel Green Road.

S. B. 225. An Act to amend and re-enact Chapter 269, page 580, of the Acts of the General Assembly of 1924, which is Project No. 126, of Section 4356t-5, of Baldwin's Kentucky Statute Service of Carroll's Kentucky Statutes, relating to roads and bridges and establishing a system of primary roads for the State of Kentucky and making provisions for the establishment, construction and maintenance of same.

S. B. 227. An Act to establish a primary road project to be known as Project No. —, to begin at Piqua in Robertson County, and extend to U. S. Highway No. 68, near its junction with State Project No. 61 in Nicholas County.

S. B. 229. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

S. B. 230. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

S. B. 231. An Act to establish as a part of the primary system of State highways a road from the Sandy Hook and Louisa Road near the J. L. Hulett farm in Lawrence County to the Mayo Trail on George's Creek.

S. B. 232. An Act to be placed on the State primary system of roads a road from Livingston, the nearest and most practical route, to the Devoult School House on Skaggs Creek in Rockcastle County.

S. B. 233. An Act to add to the State primary system of roads a road from Highway No. 168 near James Bullock's residence at Maretburg to Bromo Post Office by J. D. Noe farm in Rockcastle County.

S. B. 234. An Act to be placed on the State road primary system a road from Biever-bend filling station to Red-Hill School House in Rockcastle County.

S. B. 235. An Act establishing a road project from corporation limits of Scottsville, Kentucky, along present travelled road by Gainsville, Meador, across Osborne Ford on Barren River, by Keperr, Warren County, intersecting Bowling Green and Glasgow Road at Kirby Farm.

S. B. 237. An Act relating to roads and highways and

describing and fixing a project to be added to the primary system of roads and highways.

S. B. 239. An Act to add to the primary system of roads a road from Manchester Pike near Johnston School House to Burning Springs by Langnau Post Office, and Crawford Post Office, in Laurel County.

S. B. 240. An Act to add to the primary system of roads a road from Nelson's Store to Green Mount Post Office in Laurel County.

S. B. 247. An Act establishing as a part of the primary system of State roads and highways, a road leading from G. D. James' Store in Edmonson County, via Houchin's Ferry and Ollie to Mammoth Cave.

S. B. 250. An Act establishing as a part of the primary system of State highways of the Commonwealth of Kentucky a road leading from Rocky Hill, in Edmonson County, to Merry Oaks, in Barren County.

S. B. 251. An Act to add to the State primary system of highways a road from Marion, Crittenden County, via Chapel Hill and View Vicinity to Francis, Crittenden County.

S. B. 259. An Act establishing as a part of the primary system of State highways of the Commonwealth of Kentucky a road beginning near Chalybeate and running thence via Chalybeate High School, Pine Grove Presbyterian Church and Boiling Springs to a point on the Dixie Highway.

S. B. 262. An Act to add to the primary system of roads in Rockcastle County from the entrance of the Dughill Road into Highway No. 138 to Bishop's Store.

S. B. 263. An Act creating and establishing as part of the primary system of roads and highways of the Commonwealth of Kentucky a road beginning at Tompkinsville,

Monroe County, Kentucky, and leading to the Old Mulkey Meeting House State Park.

S. B. 267. An Act to establish as a part of the primary system of State highways a road beginning at the Glencoe, Kentucky, bridge on the Owen County side, thence to old Sparta in Owen County, Kentucky.

S. B. 280. An Act to establish a State primary road project from River Post Office in Johnson County down the Big Sandy River by way of Richardson, Kentucky, to the mouth of George's Creek intersecting with the Mayo Trail.

S. B. 282. An Act to establish as a part of the primary system of State highways of the Commonwealth of Kentucky, a road from Catlettsburg, Kentucky, up Tug River to the State line between Kentucky and Virginia, and to be designated and known as the "Wallace J. Williamson Highway."

S. B. 285. An Act establishing as part of the primary system of State highways of the Commonwealth of Kentucky, a road from a point on the Pikeville-Williamson Highway, State Route 82, near the mouth of Blackberry Fork of Pond Creek in Pike County, to a point on the State line between Kentucky and Virginia on Knox Creek in said county.

S. B. 286. An Act establishing as part of the primary system of State highways a road beginning at a point on State Project No. — at the mouth of Turkey Creek in Pike County to a point on State Project No. 82 at or near the bridge at the mouth of road fork of Big Creek.

S. B. 288. An Act relating to roads and hghways and establishing and creating a Road Project No. — extending from Lawton in Carter County to U. S. Road No. 60 at Hayes Crossing in Rowan County, as a State primary road.

S. B. 308. An Act establishing as a part of the primary system of State highways a road beginning at Elizabethtown,

Kentucky, in Hardin County, and running thence via Bethlehem Academy, Blue Ball Church, Four Corners to Big Spring, intersecting the proposed Lincoln Highway at Big Spring in Hardin County, Kentucky.

S. B. 311. An Act establishing a road from New Haven in Nelson County, Kentucky, by way of Roanoke to Elizabethtown in Hardin County, Kentucky, as a State primary road, and designating said road as Project No. —.

S. B. 318. An Act establishing and creating as a part of the primary system of the State highways of the Commonwealth of Kentucky a road from Four Mile in Bell County, up Four Mile Creek to Ivy Grove, and thence down Moore's Creek to a point in the Stinking Creek Road near DeWitt, Knox County.

S. B. 324. An Act to establish as part of the State highways a road beginning at Gratz, Kentucky, on Owen County side, thence by Monterey, Kentucky, by way of Gaphill and Pond Branch up Kentucky River.

S. B. 325. An Act to repeal and re-enact Chapter 118 of the General Assembly of 1922, relating to roads and highways.

S. B. 330. An Act to amend Chapter 203 of the Acts of the General Assembly of 1926, which is under Section 4356 of Carroll's 1930 Kentucky Statutes relating to roads and highways.

S. B. 345. An Act designating and establishing as a part of the primary system of State highways of the Commonwealth of Kentucky and as a part of the project leading from Beattyville, Lee County, Kentucky, to Jackson, Breathitt County, Kentucky, a road beginning at a point in the State highway at the mouth of Dunnigan's Branch in Lee County and running by the way of Lone Shoal School House, Tallega, Athol and Oakdale to Jackson, Kentucky.

S. B. 352. An Act establishing as part of the primary system of State highways a road beginning at Denver, Johnson County, Kentucky, running down Jennie's Creek to Line Branch; up Line Branch to Rockhouse Branch, thence down Paint Creek to the Harry Davis Farm intersecting with Route No. 40.

S. B. 357. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

S. B. 358. An Act establishing as part of the primary system of State highways beginning at the junction of Washington and Jefferson Streets in the town of Burlington, Boone County, Kentucky, thence in a southerly direction to what is known as the Tanner Road where it intersects the Burlington and Union Road; thence in a southerly direction to State Highway No. 32, known as the Florence and Louisville Road about one mile north of the town of Union.

S. B. 373. An Act establishing a primary road project from Pleasant Ridge via Red Hill and Utica to Glenville.

S. B. 375. An Act to amend Section 1, Project No. 373, Chapter 315, page 575 of the Acts of the General Assembly of 1928, now Project No. 373, under Section 4356t-5, page 2253, Road Projects, of Carroll's Kentucky Statutes, 1930 Edition, relating to establishing and designing a system of State highways and providing for their construction and maintenance.

S. B. 383. An Act to amend and re-enact Chapter 185, page 526, of the Acts of the General Assembly of 1924, now Kentucky State Road Project No. 80, by adding the words "Haddock's Ferry" just before the words "Calvert City" in said original Act, so that when said chapter is amended and re-enacted it will read as follows:

S. B. 389. An Act to establish a primary road project to be known as Project No. — beginning at J. Wilson's Store at

the mouth of Island Creek in Owsley County on Project No. 11 and running up Island Creek by way of Island City to Brewer's Store on Sturgeon Creek in Owsley County and intersecting with Booneville, Tyner and East Bernstadt Road Project No. —.

S. B. 390. An Act to establish a primary road project to be known as Project No. — beginning at the Pendergrass Farm near Pleasant Hill School on State Project No. 52 in Owsley County and running by way of Tommy Quillen's farm, by way of Benson Post Office, Traveler's Rest Post Office and intersecting with Booneville-East Bernstadt Road at or near New Hope in Owsley County.

S. B. 391. An Act to establish a primary road project to be known as Project No. — beginning at the mouth of Road Run on State Project No. 11 in Clay County, Kentucky, thence up Buffalo Creek to the forks, thence up the left-hand fork to the head of Squabble Creek and down Squabble Creek to Buckhorn.

S. B. 396. An Act relating to roads and highways, and describing and establishing a project to be added to the State highway system of roads and highways running from State Highway No. 52 at or near the top of Hatton Hollow Hill, via Evelyn and up Rosses Creek to Gentry's Store and thence following substantially the county road via Dalvinta School to Idamay, Lee County.

S. B. 398. An Act to create and establish certain road projects to be a part of the primary road system of the Commonwealth of Kentucky.

S. B. 404. An Act establishing as a part of the primary system of State highways a road beginning at Glasgow Junction and running thence via the old Mammoth Cave railroad line to Mammoth Cave.

S. B. 408. An Act establishing as a part of the primary

system of State roads and highways, a road leading from Elmer Carter's store in Edmonson County, via Straw and Dickey's Mill to Cub Run.

S. Res. 2. Resolution for the relief of C. M. Green for mileage and expense by him as agent for the Commonwealth of Kentucky.

Whereupon all other business was suspended; said bills and resolutions were read at length and compared in open Senate, and were found to be correctly enrolled. Thereupon, the President of the Senate, in open session, in the presence of the Senate, affixed his signature to said bills and resolutions.

Ordered that the Enrolling Clerk deliver said bills and resolutions to the House of Representatives.

After a time the Enrolling Clerk delivered the original and enrolled bills and resolutions which originated in the Senate, to the Clerk.

Ordered that the Clerk deliver the enrolled bills and resolutions which originated in the Senate, and which had been signed by the presiding officers of the Senate and House of Representatives, to the Governor.

After a time, the Clerk reported that he had performed that duty.

## ENROLLMENT REPORT

Senator Stewart, of the Committee on Enrollment, reported that they had examined and found correctly enrolled, bills which originated in the House of Representatives, of the following titles:

H. B. 439. An Act to repeal and re-enact Chapter 143 of the 1930 Acts of the General Assembly of the Commonwealth of Kentucky, same being Section 2061a-4a, Baldwin's 1930 Supplement to Carroll's 1930 Kentucky Statutes, entitled,

"Certain counties may divert funds for support and maintenance of sanatoria, when."

H. B. 112. An Act to amend Section 2103, Subsection 2 of Carroll's Kentucky Statutes, so as to authorize judges of the city or police court to solemnize a marriage ceremony.

Whereupon all other business was suspended; said bills and resolutions were read at length and compared in open Senate, and were found to be correctly enrolled. Thereupon, the President of the Senate, in open session, in the presence of the Senate, affixed his signature to said bills and resolutions.

Ordered that the Enrolling Clerk deliver said bills and resolutions to the House of Representatives.

A message was received from the Governor announcing that he had made the following appointments:

March 8, 1932.

To the President and Members
of the State Senate,
Frankfort, Kentucky,

Gentlemen:

On December 16, 1931, I appointed Cliff Claypoole, of Morgantown, Butler County, Kentucky, as Commissioner of Motor Transportation, to fill the unexpired term of Joe Ryan, of Calloway County, Kentucky.

In this appointment, the concurrence of the Senate is respectfully requested.

Yours very truly,

RUBY LAFFOON,
Governor of Kentucky.

March 8, 1932.

To the President and Members
of the State Senate,

Frankfort, Kentucky,

Gentlemen:

I have this day appointed W. P. Sullivan, of Franklin County, Kentucky, as member of the State Tax Commission, for a term of four years, expiring March 8, 1936, to succeed Henry M. Cline.

In this appointment, the concurrence of the Senate is respectfully requested.

Yours very truly,

RUBY LAFFOON,
Governor of Kentucky.

March 8, 1932.

To the President and Members
of the State Senate,

Frankfort, Kentucky,

Gentlemen:

On February 8, 1932, I appointed the following as members of the Vocational Educational Board: V. E. Barnes, Hopkinsville, Christian County, Kentucky; M. O. Wrather, of Murray, Calloway County, Kentucky.

Their terms of office to expire on January 26, 1934.

In each of these appointments, the concurrence of the Senate is respectfully requested.

Yours very truly,

RUBY LAFFOON,
Governor of Kentucky.

March 8, 1932.

To the President and Members
of the State Senate,

Frankfort, Kentucky,

Gentlemen:

Under date of January 1, 1932, I appointed Nat B. Sewell, of London, Laurel County, Kentucky, as State Inspector and Examiner for a term of four years, expiring January 1, 1936.

In this appointment, the concurrence of the Senate is respectfully requested.

Yours very truly,

RUBY LAFFOON,
Governor of Kentucky.

March 8, 1932.

To the President and Members
of the State Senate,

Frankfort, Kentucky,

Gentlemen:

On March 2, 1932, I appointed Polk Laffoon, of Covington, Kentucky; S. S. Combs, of Lexington, Kentucky; Frazier Lebus, Cynthiana, Kentucky; Theo. E. Mueller, of Louisville, Kentucky; and William E. Smith, of Louisville, Kentucky, as members of the State Racing Commission of Kentucky for a term of four years, expiring March 2, 1936.

In this appointment, the concurrence of the Senate is respectfully requested.

Yours very truly,

RUBY LAFFOON,
Governor of Kentucky.

March 8, 1932.

To the President and Members
of the State Senate,
Frankfort, Kentucky,
Gentlemen:

I have this day appointed the following as members of the Workmen's Compensation Board of the State of Kentucky: Ben Petree, of Todd County, Kentucky, for a term of four years, ending March 8, 1936; Harry B. Miller, of Fayette County, Kentucky, for a term of four years, ending March 8, 1936; Davis Howerton, of Boyd County, Kentucky, for a term of four years, ending March 8, 1936.

In each of these appointments, the concurrence of the Senate is respectfully requested.

Yours very truly,
RUBY LAFFOON,
Governor of Kentucky.

March 8, 1932.

To the President and Members
of the State Senate,
Frankfort, Kentucky,
Gentlemen:

I have this day appointed James R. Dorman, of Jessamine County, Kentucky, as Banking Commissioner for the State of Kentucky for a term of four years from this date, expiring March 8, 1936.

In this appointment, the concurrence of the Senate is respectfully requested.

Yours very truly,
RUBY LAFFOON,
Governor of Kentucky.

And asked that the Senate confirm said appointments.

Said appointments were referred to Committee on Rules.

Senator Ryans moved that the Senate do now adjourn.

Said motion was agreed to.